

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION (L) NO.13512 OF 2021

Heena Dhirajlal Manek ... Petitioner

Vs.

Mahendra Tikamdas Shah and others ... Respondents

WITH
COURT RECEIVER REPORT NO.20 OF 2024
WITH
INTERIM APPLICATION (L) NO.18171 OF 2022
IN
MISCELLANEOUS PETITION (L) NO.13512 OF 2021
WITH
INTERIM APPLICATION NO.97 OF 2023
IN
INTERIM APPLICATION NO.1319 OF 2022
IN
MISCELLANEOUS PETITION (L) NO.13512 OF 2021
IN
TESTAMENTARY PETITION NO.293 OF 2021

Mr. Aseem Naphade a/w. Mr. Suyash Gadre and Mr. Abhishek Thoke i/b. Mr.Suyash Gadre for Applicant in IAL/18171/2022.

Mr. Tejas Vora for Respondent No.1

Mr. Shanay Shah a/w. Mr. Susmit Phatale and Mr. Uttam Rane i/b. U. S. Rane for Respondent Nos.2 and 3.

Mr. Shailendra Pagare a/w. Mr. Sagar Tambe and Mr. Nitesh Mohite for Purchaser (Mohan Shinde).

Ms. C. Vaidya, 2nd Assistant to Court Receiver.

CORAM : MANISH PITALE, J.

DATE : MARCH 06, 2024

P.C. :

. Mr. Shailendra Pagare, learned counsel appearing for purchaser of one of the flats forming part of the estate of the deceased submits that in

pursuance of order dated 28.09.2021 passed by this Court, the amount of Rs.51.50 lakhs was indeed remitted to the account of the purchaser. Further directions were issued in the said order for cancellation of the agreement executed by the respondents in favour of the purchaser. The agreement in that context was deposited with Prothonotary and Senior Master of this Court. In pursuance of the said order, the aforesaid agreement was indeed cancelled.

2. Today limited request is made on behalf of the purchaser that the said cancelled agreement lying in deposit with the Prothonotary and Senior Master of this Court may be directed to be handed over to the purchaser to claim refund of stamp duty from the Registrar of Stamps.

3. In view of the directions contained in the order dated 28.09.2021 having been carried out, there can be no impediment in granting the aforesaid request. Accordingly, the Prothonotary and Senior Master of this Court is directed to handover the said original cancelled agreement to the purchaser, who may take necessary steps for refund of stamp duty. Upon the purchaser making an application before the Registrar of Stamps for refund of such stamp duty, appropriate action will be taken in accordance with law.

INTERIM APPLICATION (L) NO.18171 OF 2022

. The learned counsel appearing for respondent Nos.2 and 3 seeks short adjournment to take instructions in the matter.

2. List for further consideration on 12.03.2024, to be included in the supplementary list. All pending applications as also pending Court Receiver's Reports shall also be listed for consideration on the next date of listing.

(MANISH PITALE, J.)