

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

COURT RECEIVER'S REPORT NO. 216 OF 2024
IN
EXECUTION APPLICATION NO. 1350 OF 2018

SHREE AKSHAR CORPORATION)...APPLICANT

V/s.

RUSHABH APARTMENTS CO-OPERATIVE)
HOUSING SOCIETY LIMITED)...RESPONDENT

Ms.Charushila Vaidya, 2nd Assistant to Court Receiver a/w. Mr.Gajanan Surve, Section Officer, present in Court.

CORAM : ABHAY AHUJA, J.

DATE : 24th JUNE 2024

PC. :

1. This Court Receiver's Report listed today seeks the following directions :

(a) The Court Receiver, High Court, Bombay be discharged without passing of account subject to payment of costs, charges and expenses of Court Receiver and Applicant may be directed to deposit the same in this office within two weeks from date or order.

(b) The Hon'ble Court may pleased to pass necessary directions as to whom an amount of Rs.2,99,532/- in respect flat no. 303-A-wing of Respondent No.(7a) and (7b) and Rs.1,80,840/- in respect flat no. 501-A-wing of Respondent No.(8a) and (8b) alongwith accrued interest if any be paid.

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(c) Cost of this report may be awarded at Rs.5,000/- (Five Thousand Rupees Only) and parties may be directed to deposit in this office.

2. These directions are being sought in view of order dated 5th October 2018. In paragraphs 26 and 27, it has been *inter alia* directed in Clause (f) that with respect to Respondent no.8(B), that within two weeks of the final decision by the Court, the successful party will move the Court Receiver and that on production of an authenticated copy of the order of the Court finally disposing of the Suit, the Court Receiver will deliver possession of the permanent alternate accommodation flat in lieu of Flat No.501, A Wing to the party which succeeded in the High Court suit, and will also pay out all amounts deposited with all interest earned thereon.

3. In paragraph 24 of the said order, with respect to Respondents no.7(A) and 7(B) in (f) it has been recorded that within two weeks of the final decision by the City Civil Court in that suit, the successful party will move the Court Receiver and on production of an authenticated copy of the order of the City Civil Court finally disposing of the Suit, the Court Receiver will deliver possession of the permanent alternate accommodation flat in lieu of Flat No.303, A-Wing to the

party which succeeded in the City Civil Court suit, and will also pay out all amounts deposited with all interest earned thereon.

4. Since the payments are to be made to the above Respondents, issue notice to the said Respondents no.8(B) and 7(A) and 7(B) returnable on 31st July 2024, to appear before this Court and inform the status of the litigation pending in the City Civil Court, so that appropriate directions can be given in that regard.

5. List the Court Receiver's Report on **31st July 2024 at 3.15 p.m.**

(ABHAY AHUJA, J.)