

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COURT RECEIVER'S REPORT NO.266 OF 2024
IN
INTERIM APPLICATION NO.3110 OF 2021
IN
EXECUTION APPLICATION NO.210 OF 2011**

Hiroo Tuljaram Shahani

... Applicant
/ Defendant No.7

In the matter between :

Seema King and anr.

... Plaintiffs

Vs.

Bhagwan Tuljaram Shahani and ors.

... Defendants

**WITH
COURT RECEIVER'S REPORT NO.331 OF 2023
IN
EXECUTION APPLICATION NO.210 OF 2011
AND
COURT RECEIVER'S REPORT NO.139 OF 2023
IN
EXECUTION APPLICATION NO.210 OF 2011**

Mr. Monil Punjabi i/by Mr. Rajesh Sahani, Advocates for the Plaintiffs.

Mr. Niket Jani i/by M/s Vigil Juris, Advocate for the Defendants No.2,4 and 6.

Mr. Sameer Shahani, Advocate for the Defendant No.7.

Mr. Mandar Soman with Mr. Ashok Varma, Advocates for the Intervenor.

Mr. S. K. Dhekale, Court Receiver with Mr. Nitin Pawar, OSD are present.

CORAM : ABHAY AHUJA, J.

DATE : 09 JULY, 2024.

PC. :

Court Receiver's Report No. 266 of 2024 is not on board. Upon mentioning, taken on board.

This order is corrected as per speaking to the minutes order dated 6th August, 2024

1. Pursuant to order dated 8th May, 2024, today when the matter is called out, Mr. S. K. Dhekale, learned Court Receiver has submitted a report dated 9th July, 2024. The Registry has received letter dated 4th June, 2024 from Advocate Mr. Mandar Soman on behalf of his clients- Mr. Dhiraj Vinod Jain, Mr. Manav Jain and Mr. Vinit Jain informing that his clients would bid for the said flat in question for Rs.4.21 crores.

2. It has also been submitted by letter dated 4th July, 2024, by the Advocate for Defendant No.7 that his client is also interested in purchasing the property and willing for bid for an amount of Rs.4.22 crores. The other learned counsel present in the Court have no objection if Defendant No.7 is allowed to bid for the subject flat.

3. Mr. Dhekale also submits that he has been informed that there are electricity dues of Rs.3,600/- in addition to the society charges of over Rs. 30 lakhs. The learned Court Receiver has accordingly sought the following directions :

“(a) What steps Court Receiver should take for sale of suit flat viz. Flat No.31, 3rd Floor, Shyam Niwas, Block No.7 of the Shyam Co-operative Housing Society Limited., at C.S. No.758 of Malabar & Cumballa Hill Division situated at 51, Bhulabhai Desai Road, Mumbai – 400 026 as this office received offers from two interested persons (i) Mrs. Dhiraj Vinod Jain, Mr. Manav Jain and Mr. Vinit

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Jain (Intervenors) gave offer of Rs.4.21 crores and (ii) Defendant No.7 gave offer of Rs.4.22 crores.

(b) Cost of this report be awarded in the sum of Rs.5,000/- and the Applicant/Defendant No.7 may be directed to deposit the same in the Office of the Court Receiver.”

4. It is observed from order dated 8th May, 2024 that the Valuer from the Court Receiver’s Panel had valued the said flat as on 7th August, 2023 at Rs.5.85 crores. The learned counsel appearing for the parties also confirm the same.

5. Therefore, this Court put it to Advocate Mr. Mandar Soman representing Mr. Dhiraj Vinod Jain, Mr. Manav Jain and Mr. Vinit Jain as well as the Advocate for the Defendant No.7 who is present in Court whether they would be willing to match their offers to meet the valuation of Rs.5.85 crores as per the Valuer. The learned counsel, on instructions, seeks some time to take instructions.

6. Accordingly, let the learned counsel take instructions and revert with their revised offers to match to the valuation in the valuation report by the next date. In the meanwhile , the Court Receiver is also permitted

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to entertain any other offers from interested person/parties till the next date.

7. List on 6th August, 2024 at 4.15 p.m. when Court Receiver's Reports No.88 of 2024 and 266 of 2022 would also be considered.

(ABHAY AHUJA, J.)