

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

**COURT RECEIVER'S REPORT NO. 414 OF 2024
IN
COMMERCIAL SUIT NO. 328 OF 2018**

Vikram B. Trivedi and Anr.

... Plaintiffs

V/s.

Kalpavruksha Developers and Ors.

... Respondents

Mr. Chetan Kapadia, Senior Counsel a/w Aaron Kevin Fernandes i/b Mulla and Mulla & Craigie, Blunt and Caroe for Plaintiffs.

Mr. Dipesh Siroya for Respondents Nos.1,3,4 & 5.

Mr. N.C. Pawar, OSD to Court Receiver, present.

CORAM : ARIF S. DOCTOR, J.

DATE : 29TH NOVEMBER 2024

P.C. :

1. The captioned Court Receiver Report has been filed by the Court Receiver essentially seeking a discharge without passing of accounts on the ground that the parties to the suit have not been co-operating with the Court Receiver.

2. Mr. Kapadia, learned Senior Counsel appearing on behalf of the Plaintiffs

today submitted that the present Report would be disposed of in view of what has been recorded in the Minutes of Meeting dated 13th November 2024 held by the First Assistant to the Court Receiver.

3. Mr. Kapadia has carefully taken me through the Minutes of the Meeting and pointed out that the various properties offered by security were encumbered in some way or the other and that there was pending litigation in respect of the same.

4. He has pointed out that the Plaintiffs have been diligently pursuing the various cases and therefore it cannot be wholly incorrect to suggest that the Plaintiffs had not been co-operating with the Court Receiver.

5. Mr. Kapadia submitted that it is only after resolution of all the litigation that the Plaintiffs will be in a position to take further steps to sale/realize the said properties. Thus having due regard to the submission by the learned Senior Counsel, I find that no case of discharge have been made out. The Court Receiver Report is accordingly dismissed.

6. At this stage, the Court Receiver points out that the parties had not been appearing before the Court Receiver on previous meeting. He submits that on 13th November 2024, parties appeared only after the present Court Receiver's Report seeking a discharge was served upon the parties.

7. Learned counsel assured the Court that if at all meetings to be fixed up henceforth, the parties shall be present through their Advocates or in person.
8. The Court Receiver's Report is dismissed.

(ARIF S. DOCTOR, J.)