



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

MISC. CIVIL APPLICATION (REVIEW) NO.468/2024 IN CAL NO. 14/2018
IN CMP NO.4/2001

M/s. Navalkishore Kothari Sons thr. Partners and Ors. .Vs. Official Liquidator,
Nagpur and Provisional Liquidator of M/s. S.N.K. Overseas Ltd.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. U. J. Deshpande, Advocate instructed by Mr. M. G. Sarda,
Advocate for applicants.

Dr. A. De, Advocate for Official Liquidator.

CORAM : ANIL L. PANSARE, J.

DATE : 28.06.2024

Mr. U.J. Deshpande, learned counsel for applicants, submits that the applicants, who are tenants, have certain rights in terms of order dated 14.11.2005. He makes a statement that the Official Liquidator is still collecting rent from the tenants.

The Official Liquidator has denied the said status.

Learned counsel now states that the tenants are paying the rent but the Official Liquidator is not accepting. The Official Liquidator, however, submits that the applicants have not made any attempt to deposit the rent till 09.05.2024 when this Court was pleased to pass an order that affects the applicants' occupational status, which according to the Official Liquidator is unauthorised. The applicants approached the Official Liquidator only after order dated 09.05.2024 has been passed. The Official Liquidator, in such a view of the matter, thought it proper not to accept the demand draft.

Thus, prima facie it appears that the applicants did not make any attempt to deposit the rent with the Official Liquidator till order dated 09.05.2024 came to be passed.

Further, an incorrect statement has been made that the applicants have deposited the rents and the Official Liquidator has accepted the same.

As such, for making incorrect and false statement, this application is liable to be rejected outrightly. However, I deem it appropriate to give one more opportunity to the applicants to come clean before the Court. The applicants shall deposit Rs.5,00,000/- each in the Court to show their bona fides. The amount shall be deposited by 11.07.2024, failing which not only the application shall stand dismissed but the same will be subject to heavy costs with further such order as necessary, including order of eviction in time bound manner.

Stand over to 12.07.2024.

(Anil L. Pansare, J.)

Kahale