

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 15305 OF 2025

Pravin Meghji Gala And Anr. ...Petitioners

Versus

Paras Dedhia And Ors. ...Respondent

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KULKARNI

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Ms. Neeta Jain, a/w Sejal Joshi and Dhrumil Shah, i/b Lex Services, for the Petitioners.

Mr. Manoj Harit, a/w Drishti Ostwal, i/b Manoj Harit & Co., for the Respondent.

Mr. N. C. Pawar, Court Receiver, High Court, Bombay, present.

CORAM: N. J. JAMADAR, J.

DATED: 18th NOVEMBER, 2025

Oral Order:-

1. Heard the learned Counsel for the petitioners.
2. The petitioners are aggrieved by an order dated 1st November, 2025, passed by the learned Judge, City Civil Court, whereby the learned Judge was persuaded to discharge the Court Receiver in Commercial Suit No.1421 of 2024.
3. The suit was initially instituted before the High Court on its Original Side. Upon enhancement of the pecuniary jurisdiction of the City Civil Court, the suit came to be transferred to the City Civil Court. Thereupon, the Court Receiver filed an application for discharge.

4. In the intervening period, in the wake of transfer of the suit to the City Civil Court, the petitioner has taken out notice of motion (Exhibit-Q) in the said transferred suit to appoint Registrar of the City Civil Court, Mumbai, or any other person as the Court Receiver in place of the Court Receiver, High Court, Bombay, in respect of the subject premises,

5. The petitioners had made a prayer that, the application for discharge of the Court Receiver and the Notice of Motion taken out by the petitioners for the substitution of the Court Receiver be decided simultaneously. By the impugned order, the learned Judge, City Civil Court, has discharged the Court Receiver observing that, the prayers in the Notice of Motion are required to be determined independently on merit.

6. Since the suit came to be transferred, the Court Receiver, High Court, Bombay, cannot be appointed or continued as a Court Receiver in a suit pending on the file of the City Civil Court. Nonetheless, as the Court Receiver was appointed and the petitioners have filed an application for substitution of the Court Receiver, it is necessary to decide the said Notice of Motion.

7. I have perused the prayers in the Notice of Motion. There are few prayers, which are in addition to the appointment of the

Court Receiver. Yet the City Civil Court may consider the prayer for appointment of the Court Receiver in the Notice of Motion on the next scheduled date i.e. 29th November, 2025.

8. Thus, the learned Judge, City Civil Court, seized with Suit No.1421/2021 is requested to hear and decide the Notice of Motion as expeditiously as possible and, preferably, within a period of three months from 29th November, 2025.

9. The petition stands disposed.

[N. J. JAMADAR, J.]