

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

COURT RECEIVER REPORT NO. 15 OF 2025

IN

FIRST APPEAL NO. 1339 OF 2011.

Associated Construction Company And Ors

...Appellants

Versus

Bharat Kumar Premji Thakkar And Ors

...Respondents

Mr. Prashant Tare and Adv. Safal R. Pednekar for the Appellant.

Mr. Harish R. Pawar for the Respondent No. 1.

*Ms. Charushila M. Vaidya 2nd Asst to Court Receiver and Ms. Naina Poojary
Section Officer Court Receiver.*

Coram : Sharmila U. Deshmukh, J.

Date : April 22, 2025.

P. C. :

1. The Court Receiver Report has been filed seeking necessary directions in respect of the suit flats which are in the physical possession and under lock and seal of the Court Receiver pursuant to the same being handed over in April-2023 by the present Appellant who was earlier appointed as an agent of the Court Receiver and for cost of the Report.

2. Learned Counsel appearing for the Respondent-Original Plaintiff, at whose instance, the Application for appointment of Court Receiver was made, submits that the Plaintiff i.e. Respondent is unable to bear the expenses of the statutory dues and other outgoing in

respect of the suit flats and is not willing be appointed as a agent of the Court Receiver. The suit was filed seeking specific performance of the agreement of sale executed between the present Appellant and the Respondent No. 1 in respect of the subject flats and the suit flats were always in possession of the Appellant. As the suit came to be decreed, the present Appeal came to be filed in which the Appellant was appointed as agent of Court Receiver.

3. Considering the submissions made by the parties, as the Plaintiff is not willing to bear any expenses towards the suit flats and is not willing to be appointed as an agent of the Court Receiver and neither the present Appellant wishes to be appointed as agent of the Court Receiver, Learned Counsel, with consent of the parties submits that the Court Receiver be discharged.

4. In light of the consensus, Court Receiver is discharged without passing of accounts. The office of the Court Receiver submits that as of today the suit account with the office of the Court Receiver has balance of approximately about Rs. 25 lakhs. Since April-2023 the statutory outgoings and maintenance etc were not paid in respect of the suit flats.

5. The Court Receiver is directed to clear statutory outgoings as well as the maintenance of the suit flats from the amount lying deposited with the office of the Court Receiver and to adjust the cost

of the office of the Court Receiver from the said amount. Upon all such adjustment, the balance amount to be transferred to the Registry in the present First Appeal No. 1339 of 2011 to be subject to the outcome of the First Appeal. As possession was taken from the Appellant the Court Receiver is directed to hand over the physical possession of four flats to the Appellant within a period of one week and necessary communication in that regard will be made by the office of the Court Receiver.

6. The Court Receiver Report stands disposed of with the above directions.

[Sharmila U. Deshmukh, J.]