

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.7742 OF 2025

IN

WRIT PETITION NO.8869 OF 2021

ALONGWITH

COURT RECEIVER REPORT NO.18 OF 2025

IN

WRIT PETITION NO.8869 OF 2021

Prabhakar Umesh Shettigar

Through his Constituted Attorney

Mr. Mohan Umesh Shettigar

...Applicant

IN THE MATTER BETWEEN:

Rakesh Rohira

...Petitioner

Versus

Prabhakar Umesh Shettigar & Ors.

...Respondents

Ms. Simmy Sebastian i/b B. K. Barve & Co., for the Applicant.

Mr. Lokesh Zade, for the Respondents.

Mr. Nitin Pawar, Court Receiver, High Court Bombay, present.

CORAM: MADHAV J. JAMDAR, J.

DATED: 8th MAY 2025

P.C.:

1. This Interim Application is filed seeking extension of time to deposit Rs.75,00,000/- by modifying condition No.5E(iii)(a) and (b) of order dated 13th January 2025.

2. However, the Consent Terms which are accepted as undertakings given to this Court has specifically recorded that in clause No.3 that the balance amount of Rs.75,00,000/- shall be deposited in the account of the Original Petitioner by the Applicant – Original Respondent No.1, on or before 30th April 2025 without taking any further extension of time.

It is further provided in clause No.5(E) that in the event the said amount of Rs.75,00,000/- is not deposited, then the Respondent No.1 shall be liable to immediately handover the possession of the subject property to the Petitioner.

3. In view of the specific terms of the Consent Terms and admittedly said amount of Rs.75,00,000/- has not been deposited and as undertakings given to this Court are breached, by order dated 6th May 2025 this Court appointed Court Receiver, High Court Bombay to take possession of the suit premises and to hand over the same to the Petitioner i.e. Rakesh Rohira. Accordingly, possession has been handed over to the Petitioner. In fact Mr. Barve, learned Counsel has also stated that the Applicant is ready to handover the possession of the subject premises. Thus, nothing survives in the Interim Application. Accordingly, the Interim Application is disposed of.

4. Learned Counsel appearing for the Applicant i.e. Original Respondent No.1 has sought refund of Rs.30,75,000/-. However Mr. Zade, learned Counsel appearing for the Original Applicant strongly opposes the said request. He states that in fact substantial leave and license charges are in arrears. The Applicant/Respondent i.e. Prabhakar Umesh Shettigar through Constituted Attorney Mohan Umesh Shettigar is granted liberty to file appropriate proceedings seeking said prayer. It is clarified that this Court has not considered the merits with respect to

the said aspect. All contentions in that behalf are expressly kept open.

5. Both the learned Counsel state that Petitioner and Respondent will file respective Writ Petitions for quashing of the FIR which are filed against each other.

6. The Court Receiver has submitted Court Receiver Report No.18 of 2025 dated 8th May 2025. The Court Receiver Report is taken on board. The following reliefs are sought in said Court Receiver Report No.18 of 2025:-

- (a) This Hon'ble Court may be pleased to discharge the Court Receiver without passing accounts in compliance of order dated 6th May 2025;
- (b) The Court Receiver be permitted to recover the cost, charges and expenses of the Court Receiver from the balance available in the suit account;
- (c) Cost of this report may be fixed at Rs.5,000/- and the Court Receiver may be permitted to recover the same from the balance available in the suit account;

7. After hearing learned Counsel for the parties the Court Receiver Report is disposed of in following terms:-

- i. The Court Receiver Report is allowed in terms of prayer clause (a), (b) and (c).
- ii. The Court Receiver is discharged without

passing of accounts.

8. Mr. Nitin Pawar, officer on Special Duty, Court Receiver, states that there is an inventory annexed from Page Nos.22 to 26 of the Court Receiver's Report. Learned Counsel appearing for the Applicant – Prabhakar Umesh Shettigar states that the said articles will be removed from the premises within a period of 2 weeks from today. Accordingly, no further directions are required.

9. The Interim Application and the Court Receiver Report are disposed of in above terms.

[MADHAV J. JAMDAR, J.]