

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1753 OF 2021
IN
FIRST APPEAL NO. 759 OF 2000**

M/s. J. Gala Builders ... Applicant
Versus
Dattatraya Arjun Palav (decd.)
through LR's & Ors. ... Respondents

**WITH
INTERIM APPLICATION NO. 9011 OF 2025
IN
FIRST APPEAL NO. 759 OF 2000**

Navinkumar Hemchand Jain ... Applicant
Versus
Sulochana Chandrakant Gawade & Anr. ... Respondents

Mr. Aditya P. Shirke for the Applicant in IA/1753/2021.
Mr. Sujay Palshikar i/by Aniket Malu for Applicant in
IA/9011/2025.
Ms. Nandini Deshpande, 1st Assistant to Court Receiver a/w Ms.
Rucha Ambekar, Master (Adm.), Court Receiver.

**CORAM: MANISH PITALE, J.
DATE : 27th JUNE 2025**

P.C. :

. Interim Application No. 1753 of 2021 is moved by the original appellant No.2 with twofold prayers. Firstly, the applicant seeks a direction to the Court Receiver to give the subject shop premises on leave and license basis to a prospective licensee, so that the amount realized therefrom is utilized towards charges and dues for the said shop. Secondly, the applicant seeks a direction that the amount so received from such a licensee, be made over to the applicant to the extent of amounts paid by the said applicant

towards maintenance and other charges of the subject shop. Although, the amount as per the second prayer has been specified in the application, since the application was moved in June 2021, the learned counsel for the applicant submits that this Court may consider issuing direction that the said amount received from the licensee be made over to the applicant to the extent of expenses incurred till date.

2. Interim Application No. 9011 of 2025 is filed by the applicant, who intends to take the said shop on leave and license basis. A specific statement is made that the said applicant is ready to pay license fee as per the valuation report submitted to this Court. The valuation report indicates that an amount of Rs.32,500/- would be a fair and reasonable amount towards license fee in respect of the said shop. The applicant in Interim Application No. 9011 of 2025 is ready to pay the said amount.

3. Considering the contents of the two applications, this Court is inclined to allow both the applications. It would be in the interest of justice that the prayers made on behalf of the original appellant No.2 and also applicant in Interim Application No. 9011 of 2025, are granted.

4. Accordingly, Interim Application No. 1753 of 2021 is allowed in terms of prayer clause (a) and it is directed that the Court Receiver shall give the subject shop on leave and license basis to the applicant in Interim Application No. 9011 of 2025 for a monthly license fee of Rs.32,500/-. All necessary steps and

documents in that regard shall be executed by the Court Receiver, initially for a period of three years, with a clause of annual increase of license fees @ 10% every year.

5. Interim Application No.9011 of 2025 consequentially stands allowed in above terms.

6. As regards prayer clause (b) of Interim Application No. 1753 of 2021, the Court Receiver is directed to ascertain the amount of expenses borne by the applicant (appellant No.2) in respect of the subject shop till date. The said applicant is granted liberty to produce relevant documents before the Court Receiver within two weeks from today. The Court Receiver shall determine the amount within two weeks thereafter. Upon determination of the amount of expenses incurred by the appellant No.2 in respect of the said shop till date, the Court Receiver shall make over the aforesaid amount towards license fees to the appellant No.2, till the entire amount of expenses till date is reimbursed.

7. It is made clear that insofar as the current and future dues of the subject shop, the appellant No.2 shall pay the same and then raise a bill to the Court Receiver for reimbursement, pursuant to which the Court Receiver, after ascertaining the documents, shall reimburse the appellant No.2.

8. The applications stand dispose of in above terms.

MANISH PITALE, J.