

Sumedh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO.1355 OF 2024

IN

TESTAMENTARY SUIT NO.26 OF 2019

Raintaine Gonsalves	... Applicant
In the matter between	
Raintaine Gonsalves	... Plaintiff
v/s.	
Sharon Pereira(nee Fernandes)	... Defendant
And	
Rosenda Pereira (nee Fernandes)	... Respondent No.1.
And	
The Court Receiver, High Court, Bombay	... Respondent No.2.

Mr. Ravi Gadagkar i/by Royston Pereira for the Applicant.
Ms. Natasha Kasad a/w. Adv. Darryl Pereira (VC) i/by Beverly
Fernandes for Respondent No.1.
Mr. Karan Gandhi i/by Adv. Nupur Shah for the Defendant.
Ms. Sharon Pereira, defendant, present.
Mr. Deepak Bhalerao, IInd Asst. to the Court Receiver.

CORAM : Kamal Khata, J.
DATED : 11th September 2025.

P.C.:-

1. Mr Karan Gandhi learned Counsel for the Respondent -
Defendant seeks withdrawal of the consideration of
Rs.82,50,000/- being 50% of the total value of the Flat No. 40,

4th Floor, A – Wing, Juhu Tara Road, Near Sea Princess Hotel, Juhu Mumbai 400049 deposited by the Mrs. Rosenda Pereira with the Court Receiver.

2. Mr Gandhi fairly submits that the Receiver shall deduct the following amounts from the sale consideration:

- a) Rs.1,70,668/- being 50% of the society maintenance charges;
- b) 50% of the Court Receivers charges; and
- c) Rs. 25,000/- payable as costs as per the Order dated 2nd May 2023, unless the Defendant shows proof of payment to the High Court Law Library.

3. Mr Gadagkar for the Applicant has no objection for the same.

4. The Court Receiver shall after deducting the aforesaid amounts refund the balance amounts along with accrued interest, if any, to the Respondent - Defendant No. 1

5. The Court Receiver must finalize the accounts within a period of one week from the date of uploading of this order on the website of Bombay High Court.

6. Interim Application is disposed of in aforesaid terms.

7. The Court Receiver shall stand discharged without passing accounts and subject to all costs, charges and

expenses being paid by both beneficiaries equally within 8 days of demand raised by the office of the Court Receiver.

(Kamal Khata, J.)