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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COURT RECEIVER'S REPORT NO.216 OF 2024
IN
EXECUTION APPLICATION NO.1350 OF 2018

Shree Akshar Corporation

...Petitioner

Versus

Rushabh Apartments Co-Operative Housing
Society Ltd.

...Respondent

Mr. S.K. Dhekale, Court Receiver is present.

Ms. Usha Rahi i/b. Mr. Ravindra Bhat for the Respondent No.7(b).

CORAM : R.I. CHAGLA J.

DATE : 20TH JANUARY, 2025.

ORDER :

1. By this Court Receiver's Report, the Court Receiver has sought discharge without passing of account subject to payment of costs, charges and expenses of Court Receiver and for Applicant to deposit the same in this office within a period of two weeks from the date of this Order. Further, direction has been sought as to whom an amount of Rs.2,99,532/- in respect of Flat No.303-A Wing, of

Respondent Nos.(7a) and (7b) and Rs.1,80,840/- in respect of Flat No.501-A wing of Respondent Nos.(8a) and (8b) along with accrued interest if any be paid. Further, costs of Rs.5,000/- be directed to be deposited in this office.

2. The Court Receiver present in Court has referred to the Order dated 5th October, 2018 by which the Court Receiver was appointed and necessary directions issued to the Court Receiver in 24(a) of the said Order to take possession of Flat No. 303, A Wing from the person and deliver possession to the Petitioner (SAC) as provided in the common directions mentioned in the said Order.

3. The Court Receiver in paragraph 10 of the said Report has stated that the representative of the Court Receiver put back possession of the flats mentioned therein to the occupants / tenants on “as is where is basis” and “as is what is basis”. This is as per the directions of this Court. Accordingly, the discharge of the Court Receiver has been sought.

4. The learned Counsel appearing for the Respondent No.7(b) states that the Suit No.1899 of 2015 is pending before the

City Civil Court at Dindoshi. She has no objection to the Court Receiver being discharged and application will be made for appointment of Court Receiver in the Suit pending before the City Civil Court.

5. The learned Counsel appearing for the Respondent No.7b states that she has cannot claim the amount of Rs.2,99,532/- in respect of Flat No.303-A Wing and the same may be transferred to the Suit account of the City Civil Court.

6. Having considered the directions sought for in the Court Receiver's Report, namely whether the the amount of Rs.2,99,532/- in respect of the Flat No.303-A Wing of Respondent Nos.(7a) and (7b) and amount Rs.1,80,840/- in respect of flat No.501-A Wing of Respondent Nos.(8a) and (8b) directions to be paid over to the respective Respondents cannot be issued and the amount of Rs.2,99,532/- in respect of the Flat No.303-A Wing of Respondent Nos.(7a) and (7b) shall be transferred to the Suit Account in the City Civil Court and likewise the amount Rs.1,80,840/- in respect of flat No.501-A Wing of Respondent Nos.(8a) and (8b) shall be transferred to the Suit Account in the City Civil Court. Upon such transfer, the

Court Receiver stands discharged without passing of accounts subject payment of costs, charges and expenses which the Applicant shall deposit in the Court Receiver's office within a period of two weeks from today.

7. The Applicant is directed to deposit the costs of Rs.5,000/- towards the Court Receiver's Report in the Office of the Court Receiver.

8. The Court Receiver's Report is accordingly disposed of.

[R.I. CHAGLA J.]