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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COURT RECEIVER'S REPORT NO.44 OF 2025
IN
SUIT NO.3550 OF 1990

Dr. Shrikant Balkrishna Hegde

...Plaintiff

Versus

Rangnath Anant Haridas

...Defendant

Mr. N.R. Gandhi i/b. Atish S. Mahade for the Plaintiff.

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

CORAM : R.I. CHAGLA J.
DATE : 1ST APRIL, 2025.

ORDER :

1. The learned Counsel appearing for the Original Plaintiff has sought for permission to serve the Original Defendant by way of substituted service as the alternate address has not been located by the Original Plaintiff.

2. In view thereof, the Original Plaintiff is permitted to serve the Defendant notice of the Order dated 27th February, 2025 by way of substituted service i.e. by way of paper publication in two widely circulated newspapers where the Original Defendant is situated. The substituted service shall be affected by the Plaintiff

within a period of three weeks from today.

3. The Court Receiver's Report No.44 of 2025 has sought for discharge of the Court Receiver without passing of accounts and upon payment of costs, charges and expenses.

4. Further order is sought declaring that the symbolic possession of the court Receiver over the subject Flat B-4, 2nd floor, B Wing, Anant Patil Marg, Shivaji Park, Dadar (West) Mumbai 400 028 has come to an end. The Court Receiver has also sought direction to the Prothonotary and Senior Master, to transfer the cost, charges and expenses of Rs.1,17,823/- to the office of Court Receiver from the amount of Rs.13,96,743/- lying in the Suit account.

5. Apart from the above Suit having been disposed of, that the Execution Application No.388 of 2003 filed for execution of the decree dated 22nd August, 2006 has also been disposed of.

6. This Court vide Order dated 17th August, 2004 directed the Court Receiver to erect a wall at the appropriate place between flat No. B-3 and B-4. The original Defendant was directed to pay costs of construction of the wall. The operation of the said Order was

stayed for a period of four weeks to enable the Defendant to prefer an Appeal. The Defendant has preferred an Appeal No.672 of 2004 against Order dated 17th August, 2004 which was dismissed by order dated 21st October, 2004 passed by the Division Bench of this Court. Further, the SLP (Civil) No.24511-24512 of 2004 from the said Order dated 21st October, 2004 had been disposed of by the Supreme Court directing the parties to maintain status quo regarding possession of the said flat.

7. The Court Receiver in the Report has referred to the Order dated 22nd August, 2006 passed by the Supreme Court, wherein the Supreme Court recorded that the Appellant (Original Defendant) would be entitled to withdraw the amount of Rs.3,00,000/- deposited by the Respondent / Original Plaintiff with the Court Receiver, which sum is over and above the amount of Rs.5,35,000/- paid by the Original Plaintiff to the Original Defendant. The Court Receiver has stated that the said amount was in fact deposited with the Prothonotary and Senior Master on 27th August, 1999 and not with the office of the Court Receiver. Reference is made to the present Interim Application (L) No.37708 of 2025 seeking direction to pay an amount of Rs.13,96,743/- to the Original

Plaintiff. In the Interim Application it is contended by the Original Plaintiff that the said amount of Rs.3,00,000/- had been deposited on 27th August, 1999 and which was invested and has appreciated to Rs.13,96,743/-.

8. The Court Receiver has further mentioned that the Architect appointed had carried out inspection and submitted detailed report of the work to be completed in respect of the subject flat. In that connection, professional charges of Rs.29,500/- is required to be paid. The Registry has incorporated the said amount in the costs, charges and expenses. Further, as per the said Order dated 22nd August, 2006 passed by the Supreme Court, the Original Defendant is entitled to the said amount Rs.3,00,000/- which sum is over and above the amount of Rs.5,35,000/- paid by the Original Plaintiff to the Original Defendant.

9. The Court Receiver in the Report has also referred to the balance of Rs.977/- in the Suit account and cost, charges and expenses of Rs.1,17,823/-.

10. In view of the parties having settled their disputes out of the Court, the Court Receiver has sought for discharge without

passing of accounts.

11. Having considered the submissions in the Court Receiver's Report, the directions sought by the Court Receiver are required to be issued. Hence the following Order:-

(i) The costs, charges and expenses to be borne by the Original Plaintiff.

(ii) The symbolic possession of the subject Flat B-4, 2nd floor, B Wing, Anant Patil Marg, Shivaji Park, Dadar (West) Mumbai 400 028 taken by the Court Receiver has come to an end.

(iii) The Prothonotary and Senior Master of this Court shall transfer the costs, charges and expenses of Rs.1,17,823/- to the Office of the Court Receiver from the amount of Rs.13,96,743/- lying with the Suit account.

(iv) The Court Receiver's Report is accordingly disposed of.

(v) The Interim Application (L) No.37708 of 2025 is in disposed of Suit No.3550 of 1990 shall be placed on 30th April, 2025 for consideration.

[R.I. CHAGLA J.]