

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

COURT RECEIVER REPORT NO.155 OF 2025

IN

SUIT NO.56 OF 2025

Rajender Singh Sethi S/o Harnam Singh Sethi ... Plaintiff

V/s.

Avtar Singh Sethi S/o Harnam Singh Sethi ... Defendant

Mr. Omprakash Pandey a/w Suchita Pandey & Pramila Prajapati i/by M/s. Pandey & Company for the Plaintiff.

Mr. Pravin Sawant for the Defendant.

Mr. N. C. Pawar, O.S.D. of Court Receiver Office is present.

CORAM : ARIF S. DOCTOR, J.

DATE : 02ND MAY 2025

P.C. :

1. Today, a Court Receiver Report is on board, in which the following directions are sought:

“(a) What steps the Court Receiver should take to appoint the Plaintiff as Agent as he has given highest offer of Rs.13,000/- per month in bidding for appointing him as Agent for the suit property viz. Daddy’s Garden Bungalow, situated at Sher-E-Punjab CHS Ltd., Mahakali Caves Road, Andheri (E), Mumbai – 400 093;

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- (b) If, the prayer (a) is affirmative, then the Hon'ble Court may direct the Plaintiff to execute Agency Agreement as Agent of the Court Receiver and deposit the monthly royalty and three months royalty as interest free security deposit in the Office of the Court Receiver;*
- (c) Cost of this report may pleased be awarded in the sum of Rs.5,000/- (Rupees five thousand only) and the same may be allowed to be debited from amount lying in the suit account;"*

2. The matter was on board today since the Valuer has suggested a revised royalty of Rs.49,500/-.

3. Since both, the Plaintiff as also the Defendant, are in use, occupation and possession of the said premises, Learned Counsel submit that their clients are agreeable to make payment of the said amount of Rs.49,500/- in the following terms:

- a. The Plaintiff undertakes to make payment of Rs.35,000/- and the Defendant undertakes to make payment of Rs.14,500/-. This would ensure that the entire royalty as fixed by the Valuer would be paid.
- b. They further submit that since both, the Plaintiff as also the Defendant are in use, occupation and possession of the said premises, the Agency Agreement be entered into by both parties.

4. In view of this, the Court Receiver Report is disposed of on the following terms:

- i. The Agency Agreement shall be jointly entered into by the Court Receiver in the names of both, the Plaintiff and the Defendant. The respective areas, in which they are in possession, shall also be demarcated and set out in the Agreement.
- ii. The Plaintiff will bear an amount of Rs.35,000/- towards the royalty and the Defendant will bear Rs.14,500/- towards the royalty.
- iii. Both, the Plaintiff and the Defendant shall deposit three months advance royalty with the Court Receiver on execution of the Agency Agreement as an interest free security deposit.
- iv. The Agency Agreement shall be for three years.
- v. The costs of Rs.5,000/- towards the Report shall be borne by the Plaintiff.

(ARIF S. DOCTOR, J.)