

Kavita S.J.

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

COURT RECEIVER'S REPORT NO.160 OF 2025
IN
SUIT NO.98 OF 2013

D.N. Nagar "Deep" Co-operative Housing Society Ltd., ...Plaintiff

Versus

M/s Shree Shubh Enterprises & Ors., ...Defendants

Mr. Himanshu Takke i/b Mr. Mohit Jadhav for the Plaintiff.
Mr. S.K. Dhekale, Court Receiver a/w Mr. N.C. Pawar, OSD present.

CORAM : R.I. CHAGLA, J.

DATED : 7TH APRIL, 2025.

ORDER :

1. By this Court Receiver's Report, the Court Receiver has sought discharge without passing accounts for payment of costs, charges and expenses by the Plaintiff - Society. The Court Receiver has mentioned that the Flat No.B-205 which was directed to be sold by Order dated 10th February, 2016, has not been sold in view of lack of co-operation of the Plaintiff-Society. There is difficulty on account of non availability of keys when the Court Receiver had commenced

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the process of sale of the said Flat. The Court Receiver has taken steps for the sale of the said Flat.

2. The Court Receiver has referred to the Paragraph 8 of the Order dated 18th December, 2024, wherein there was a contention raised by the Counsel for the Plaintiff-Society that the Court Receiver delayed for process of the sale of said Flat No.B-205. He has submitted that there is no delay and the subject Flat has not been sold due to non co-operation of the Plaintiff-Society. Accordingly, the said Report has been filed.

3. I have considered Paragraph 8 of the said Order dated 18th December, 2024 which reads thus:

“thus, there is substance in the contention raised by Mr. Mohit Jadhav, learned Counsel appearing for the Applicants/Plaintiffs that the Court Receiver is delaying the process of sale of subject Flat No.B-205.”.

4. I do not find that the Court Receiver is responsible for the delay in the sale of the subject Flat. The delay is on account of the non-co-operation of the Plaintiff – Society. Accordingly, the quoted portion in Paragraph 8 of the said Order dated 18th December,

2024 is recalled.

5. The Plaintiff-Society shall co-operate with the Court Receiver in sale of the subject Flat No.B-205.

6. The learned Counsel appearing for the Applicant submits that there is an amount of Rs.25,988/- paid towards publishing charges to Indian National Press Bombay Private Limited and he has tendered the Remittance Advice in respect thereof. He has submitted that as soon as Court Receiver revised the schedule for the Court Sale, he will follow up with the publisher for publishing the notice of sale.

7. Accordingly, the Court Receiver is directed to revise the the schedule for Court Sale of subject Flat No.B-205.

8. The directions sought for by the Court Receiver with regard to discharge and handing over possession of subject Flat No.B-205 to the authorized person representing the Plaintiff-Society is not required to be issued by virtue of this order.

9. The Court Receiver is permitted to adjust the costs, charges and expenses as per prayer Clause (d) of the Report.

10. The Costs of this Report of Rs.5,000/- shall be deducted from Rs.19440/- invested by the nationalized bank.
11. The Court Receiver's Report is accordingly disposed of.
12. The Court Receiver shall submit fresh report with revised schedule accordingly.

[R.I. CHAGLA, J.]