

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COURT RECEIVER'S REPORT NO. 167 OF 2025

IN

EXECUTION APPLICATION NO. 765 OF 2015

Fullerton India Credit Company Ltd. ... Applicant

In the matter between :

Prithipal Surindersingh Chadha ... Claimant

Versus

Jitenderpal Singh Chadha ... Respondent

.....

Mr. Swayam Chopda, OSD, Court Receiver, present.

Mr. Gajanan Surve, Master (Adm.), present.

Mr. Laxman Madgundi, Clerk, present.

Mr. Dinesh Morey, Clerk, representative of the Official Assignee, present.

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CORAM : ABHAY AHUJA, J.

DATE : 19 SEPTEMBER 2025

PC. :

1. This Court Receiver's Report has been listed before this Court seeking directions to transfer the royalty amount alongwith accrued interest lying with the Court Receiver.

2. Mr. Swayam Chopda, OSD to the Court Receiver's Office, submits that the royalty amount had been deposited by the Judgment Debtor who has been declared insolvent and that this Court may pass appropriate directions with respect to the same. Since the Judgment

Debtor had been declared insolvent, in accordance with Section 17 of the Presidency Towns Presidency Act, 1909, the assets of the Judgment Debtor vest in the Official Assignee and that the amount of Rs.11,51,070/- ought to be deposited in the account of Official Assignee.

3. Ordered accordingly.

4. However, as regards a deduction of Rs.13,276/- from the said amount as costs, charges and expenses of the Court Receiver and the cost of the report of Rs.5,000/- requested to be permitted to be deducted from the said amount of Rs.11,51,070/- the same cannot be granted, in as much as the Judgment Debtor has been declared as insolvent and such an Application is to be made before the Official Assignee/Insolvency Court.

5. The Court Receiver's Report is accordingly disposed with above directions.

6. However, just when this order has been dictated, Mr. Dinesh Morey, Clerk on behalf of the Official Assignee appears and tenders copy of an order dated 18th June 2019 in Insolvency Rule Nisi No.6 of 2018 passed by this Court (Coram : R.I. Chagla, J.) and submits that the insolvency of the Judgment Debtor who had deposited money has been recalled and the Official Assignee has been discharged.

7. If that be the case, then let the amount of Rs.11,51,070/- less amount of costs charges and expenses and costs of the report as per prayer clauses (b) and (c) be deposited in the account of the person who had deposited the royalty amount.
8. This Court is informed that the said royalty amount has been deposited by Mr. Jitenderpal Singh Chadha.
9. Accordingly, let the balance amount with accrued interest after deducting the aforesaid two payments be made to Mr. Jitenderpal Singh Chadha.
10. The Court Receiver's Report accordingly stands disposed as above.

(ABHAY AHUJA, J.)