

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

INTERIM APPLICATION NO.3100 OF 2025
IN
SUIT NO. 3897 OF 1993

Mahalaxmi Milling Corporation and Anr. ...Applicants
In the matter between
State Bank of Bikaner and Jaipur ...Plaintiff
V/s.
Mahalaxmi Milling Corporation & Ors. ...Defendants

Mr. Niranjan Parekh with Ms. Sadiya Mahek i/b Mansukhlal Hiralal & Co. for the Applicants.
Mrs. Nandini Deshpande, 1st Assistant to the Court Receiver present.

CORAM : ABHAY AHUJA, J.
DATE : 14th JULY, 2025

PC. :

1. Mr. Parekh, learned Counsel appears for the Applicants and submits that this Interim Application has been filed seeking discharge of the Court Receiver pursuant to the order dated 29th March, 2007, passed by the Appellate Court.

2. Mr. Parekh draws this Court's attention to the said order at page 32, which clearly indicates that the decree has been satisfied and accordingly, the Appeal was allowed to be withdrawn as being infructuous.

3. Mr. Parekh submits that the Court Receiver accordingly be discharged without passing of accounts, of course, subject to payment

of costs, charges and expenses of the Court Receiver, which he undertakes to pay.

4. Ms. Deshpande, 1st Assistant to the Court Receiver submits that the Court Receiver was in symbolic possession and the Court Receiver be discharged without passing of accounts subject to payment of costs, charges and expenses. Ms. Deshpande submits that only a balance of approximately Rs.10,000/- is remaining with the Court Receiver.

5. Having heard the learned Counsel as well as Ms. Deshpande, the Court Receiver is discharged from the symbolic possession of the property being Flat No. 31 situated at Dani Sadan CHS Limited, 113, Walkeshwar Road, Bombay-400 006 without passing of accounts subject to payment of costs, charges and expenses of the Court Receiver.

6. The undertaking by Mr. Parekh that he will bear the payment of costs, charges and expenses of the Court Receiver is accepted as an undertaking to this Court.

7. The Interim Application accordingly stands allowed and disposed as above.

(ABHAY AHUJA, J.)