

Sumedh

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

**COURT RECEIVER REPORT NO.119 OF 2026
IN
TESTAMENTARY SUIT NO.59 OF 2008**

Madhavi @ Madhaviben Dhirajlal Sagar	... Deceased
Mahesh Mithalal Trivedi	... Plaintiff
v/s.	
Dinesh Jethalal Soni & Ors.	... Defendants

Mr. Tejas Vora a/w. Adv. Preet Chheda for the Plaintiff in TS/59/2008.

Mr. B. V. Baravkar, Court Receiver.

Mr. Swayam Chopda, OSD, Court Receiver.

Mr. Aum J. Kini for the Respondent.

Mr. K. K. Trivedi, Court appointed Administrator, present.

CORAM : KAMAL KHATA, J.

DATED : 20TH APRIL 2026.

P.C. :

1. The Court Receiver has placed his Report dated 9th April 2026 before this Court. I have perused the Report and pass the following direction:

2. With regard to 5(a), the lodgment of the matter is dispensed with. The expenses incurred by the Receiver shall be borne by the estate of the deceased and will be paid over to the Receiver by the

Administrator from the account of the estate. Mr. Vora, learned Advocate for the Plaintiff submits that the Plaintiff has no objection to the same.

3. With regard to 5(b), the rent that is required to be collected from the Plaintiff is not yet decided. The record indicates that, pursuant to the directions of the Court, the valuation of the property was done by M/s. Shetgiri and Associates and tentative rent in sum of Rs.96,530/- per month was fixed as on 9th March 2023. Let the said rent be continued to be paid till the decision is taken on the Receiver's Application for fixation of rent payable by the Plaintiff.

4. Mr. Vora, on instructions, submits that as per the Plaintiff's calculation, there is an excess amount paid to the Receiver. He submits that, he be permitted to submit his calculations to the Receiver for his consideration. A copy of the same shall also be given to the Administrator. The Receiver shall consider the calculations submitted by the Plaintiff and take appropriate decision after hearing Mr. Vora as well as the Administrator.

5. With regard to 5(c), the Receiver shall be permitted to break open the lock and take physical forcible possession of the suit flat if necessary, and after opening the same, prepare inventory of the belongings/articles, if any, lying in the suit flat and place the same

on record for the Court's consideration at the earliest.

6. With regard to 5(d), after the Receiver has taken over the possession of the suit flat, the Receiver shall hand over the possession along with belongings to the Administrator. The Administrator shall hold the possession till the final disposal of the Testamentary Suit No.94 of 2011.

7. The Court Receiver's Report is accordingly disposed of with the aforesaid directions.

8. It is hereby clarified that the Receiver may take the possession of the flat from the Plaintiff forcibly or otherwise without having finalized the rent due and payable by the Plaintiff as per the previous order.

9. The charges for taking police help to recover possession, if any, shall be paid from the estate and the same shall be paid over by the Administrator to Receiver upon being intimated about the same.

10. Pursuant to the handing over of possession of the flat in possession of the Plaintiff to the Administrator and after having considered the rent payable by the Plaintiff, the Receiver shall stand discharged without taking accounts.

(KAMAL KHATA, J.)