

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 2285 OF 2007

Smt. Ramdulari Wd/o. Sitlaprasad Tiwari & Ors. .. Appellants
V/s.
Ramprasad Brij Bukhan Tiwari (Deceased)
1a. Moniram Ramprasad Tiwari & Ors. .. Respondents

WITH
INTERIM APPLICATION NO. 1916 OF 2022
WITH
INTERIM APPLICATION (ST) NO. 12234 OF 2023
WITH
CIVIL APPLICATION NO. 1221 OF 2017
WITH
INTERIM APPLICATION (ST) NO. 12237 OF 2023
WITH
INTERIM APPLICATION (ST) NO. 12242 OF 2023
WITH
COURT RECEIVER REPORT NO. 20 OF 2023
WITH
COURT RECEIVER REPORT NO. 15 OF 2024
WITH
CIVIL APPLICATION NO. 218 OF 2019
WITH
CIVIL APPLICATION NO. 894 OF 2018
IN
FIRST APPEAL NO. 2285 OF 2007

Ms. Mudra Chavan i/b Yash Tiwari for Appellants.
Ms. Pratibha D. Shelake for Respondent nos. 1A(a) to 1A(c).
Ms. Rashmi S. Tendulkar – AGP for Respondent.
Mrs. Nandini Y. Deshpande, 1st Assistant to Court Receiver a/w Mrs. Sampada S. Dukhande, Section Officer.
Mr. Rajesh Ruparelia - Tenant is present.

Mr. Tarlochan Kalsi - Tenant is present.

CORAM : FARHAN P. DUBASH, J.

DATE : 4th MAY 2026

P.C.:

COURT RECEIVER REPORT NO. 15 OF 2024

1. The present Court Receiver's Report seeks directions from this Court to pass necessary orders regarding the finalization of the list of tenants / occupants and the quantum of rent which the rent farming contractor can collect towards rents / occupation charges / compensation from the tenants / occupants of the suit property. Annexed to the Court Receiver's Report at Exhibit – E is a site report dated 15th May 2024 which sets out the list of 67 persons who are stated to be in occupation of various tenements in the suit property. By consent of the Appellants and Respondent nos. 1(a) to 1(c), the said list of tenants / occupants is hereby finalized.
2. The Court Receiver has tendered the Minutes of the Meeting dated 9th September 2019. As more particularly recorded in the said minutes, at that time, parties had agreed that the occupancy charges for a residential room in the suit property would be Rs. 3,000/- per month whereas the occupancy charges for commercial premises would be Rs. 10,000/- per month.
3. It is an admitted position that none of the tenants / occupants of the

suit property had made payment of any rent / occupancy charges / compensation since January 2016 till date. Taking this into consideration, this Court deems it fit to pass an order fixing the said rent / occupancy charges / compensation in terms of the agreement between the parties that is recorded in the minutes of the said meeting. Accordingly, for the period commencing January 2016, the rent / compensation / occupancy charges are fixed at Rs. 3,000/- per month for residential rooms and Rs. 10,000/- per month for commercial premises.

4. Considering that the parties would have to make payment of arrears of approximately 10 years, the Court Receiver shall prepare a detailed statement of outstanding rent / occupancy charges / compensation for each tenant / occupant. The entire arrears shall become payable in 10 equal monthly installments commencing 1st July 2026 by such person/party.
5. Ms. Pratibha D. Shelake, learned Counsel who appears on behalf of Respondent no. 1(a) to 1(c), states that out of the said list of 67 persons, there are approximately 5 original tenants who are recognized by the owners / landlords. Insofar as the others are concerned, she states that they are persons who have unauthorizedly occupied the premises after the appointment of the Court Receiver.

6. Some of these persons are present in Court today. They state that they are not unauthorized and some of them have been in possession of the tenements since the past 30 years or even more. They state that they are heirs and legal representatives of the deceased original tenant/s who were occupying the tenements as per law.
7. Upon hearing the parties in this regard, the following order is passed:

::ORDER::

- (A) All persons/parties who are claiming to be heirs and legal representatives of an original tenant who is stated to have passed away, shall submit the requisite / necessary proof and documents in respect of the demise of the original tenant including inter alia their relationship with the original tenant and proof of them occupying the tenements. All such documentation shall be submitted with the Court Receiver, on or before 1st June 2026.
- (B) The Court Receiver shall together with the Appellants and Respondents consider the said documents and submissions and decide and finalize as to which occupants are required to be treated as heirs and legal

representatives of the deceased tenant. This shall be done, on or before 1st July 2026.

(C) Thereafter, the Court Receiver shall send a notice to each of the 67 persons claiming arrears in 10 equal monthly installments commencing 1st July 2026.

(D) The Appellants and Respondent nos. 1(a) to 1(c) agree that insofar as the original tenants and their heirs who may be accepted by them are concerned, the amounts that would be claimed from them towards arrears of rent would be computed on the basis of permissible rent as per the provisions of the Rent Control Act together with permitted increase therein. However, insofar as the other persons are concerned, who according to them are unauthorized occupants, arrears would be computed and demanded on the basis of the amounts determined above.

8. This order has been dictated in open Court in the presence of the occupants of the said building who are present in Court today who have assured this Court that they will communicate this order to all the other occupants so that they too are aware of this order and can make the necessary application if they so desire, before the Court

Receiver prior to 1st June 2026.

9. The Court Receiver's Report is accordingly disposed of in terms of this order.

COURT RECEIVER REPORT NO. 20 OF 2023

10. Considering the order that is already passed in Court Receiver Report No. 15 of 2024, the reliefs sought in this Report do not survive and accordingly this Report is disposed of. Cost of each Court Receiver's Report is quantified at Rs. 5,000/- per report to be deducted from the suit account.

Shubham Gadhavepatil

(FARHAN P. DUBASH, J.)