

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
H. C. SUIT NO. 3940 OF 2002**

M/s. D. Vasantrai & Co. Plaintiffs
V/s.
Jayantilal M. Jain Defendants

Mr. D. Parekh, Partner of Plaintiff Company
Mr. Rajesh Karande, Section Officer of the Court Receiver present
Mr. Vitthal Dudhani, Clerk of Court Receiver present

Before : Mrs. Shonali K. Dighe
Commissioner for Taking Accounts
Date : 25th October, 2023

CALLED FOR COMPLIANCE (COURT RECEIVER'S ACCOUNTS) :

1. Heard Representative of the Court Receiver. In the matter, the office of the Court Receiver has filed –
 - (i) First Accounts for the period from 27th April, 2006 to 31st December, 2008 on record of this Registry by communication dated 4th January, 2020, received by this office on 13th January, 2021.
 - (ii) Further Accounts for the period from 1st January, 2009 to 31st December, 2022 on record of this Registry by communication dated 4th January, 2021, received by this office on 13th January, 2021.
2. Perused Affidavit dated 3rd October, 2023 filed by First Assistant to Court Receiver giving reasons for delay in filing Accounts with this office. For the reasons mentioned in Affidavit for Condonation of Delay in filing Accounts for passing of Court Receiver's Accounts, delay in filing said Accounts is condoned.
3. As directed, office of the Court Receiver has provided Full Title.
4. As far as First Accounts from 27th April, 2006 to 31st December, 2008 is concerned, Warrant are issued. As per Affidavit of Service dated 19th August, 2023, Warrant is served on Advocate for Plaintiff, Advocate for Defendant. Accordingly, today Partner of Plaintiff Company is present and he submits that he has no objection for passing the accounts.
5. Today, no-one is present on behalf of Defendant. It was mentioned in the said Warrant that parties and / or Advocates to remain present on next date; failing which it will be presumed that parties have no objections if the Accounts

: 2 :

are passed and matter will proceed ex-parte. Hence, matter is proceeded ex-parte against Defendant.

6. In the Office of Court Receiver, all the entries of the First Accounts for the period from 27th April, 2006 to 31st December, 2008 are duly verified and / or checked.

7. Moreover, the Section Officer of this Office has also verified each and every entry corresponding with the vouchers maintained by the Court Receiver's Office and informed that the same is in order.

8. In view of the above, the First Accounts for the period from 27th April, 2006 to 31st December, 2008 submitted by the Court Receiver are accepted and passed.

9. Office to issue usual Certificate.

10. As far as Accounts for the period from 1st January, 2009 to 31st December, 2022 is concerned, it is informed by this office that scrutiny of the said Accounts is partially done. This office is directed to complete the scrutiny and send E-mail to office of Court Receiver demanding pending vouchers if any therein. Thereafter office of the Court Receiver to comply with the queries raised by this office.

11. In view of above, matter is adjourned to 29th November, 2023, for Compliance.

25.10.2023

Commissioner for Taking Accounts