

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

INTERIM APPLICATION NO. 3244 OF 2025

IN

SUIT NO. 4913 OF 2000

Afzal Sattar Oomerbhoy

...Applicant

V/s.

Nadeem Majid Oomerbhoy & Ors.

...Respondents

WITH

COURT RECEIVER'S REPORT NO. 106 OF 2026

WITH

COURT RECEIVER'S REPORT NO. 116 OF 2026

Mr. Z. A. Jariwala with Mr. Ganesh Ambekar i/b Jariwala Associates for the Plaintiff.

Mr. Kalpesh Joshi with Ms. Nisha Shah i/b Kalpesh Joshi Associates for the Defendants No. 1(a) and 1(b).

Mr. Malcolm Siganporia, through VC with Mr. Dev Tejnani for the Defendant No. 2 and in IA 3244/25, 1115/20, 3006/23, NM 2341/18 in Suit No. 4913/00 with Appeals No. 8181/26 and 8035/26.

Mr. Dhruv Joshi with Ms. Janavi Khant i/b Harish Joshi & Co. for the Defendant No. 2 in NM 2342/18 and 2340/18 in Suit 2539/09.

Mr. Kunal Dwarkadas with Mr. Neil Dutta and Mr. Ayan Roy i/b Wadia Ghandy & co. for the Defendants No. 4(b)(i) to 4(b)(iv) in Suit No. 4913/00 and for the Defendants No. 5(a) to 5(b) in Suit No. 2539/09.

Ms. Priyanka Kothari i/b Ms. Kanchan Pandare for Defendant No. 6 and Ms. Nargis Oomerbhoy.

Mr. Aditya A. Kavale i/b Zohair & Co. for the Defendant No. 16 in Suit 2539/09.

Ms. Usha Rahi, AGP for the State, Respondents No. 4 to 8 and Defendant No. 12 and 13 in NMS 2342/18 in S 2539/09.

Mr. Amol P. Shetgiri from M/s Shetgiri & Associates, Valuer present.

CORAM : ABHAY AHUJA, J.

DATE : 9th APRIL, 2026

P.C. :

1. Pursuant to the order dated 2nd April, 2026, today when the matter is called out, this Court is informed that the Court Receiver has

filed the Court Receiver Report No. 106 of 2026 seeking the following directions:-

“A) What steps the Court Receiver shall take with respect to the following properties as at the time of inspection by the Valuer they were found in locked condition and despite service of prior notice to its occupants, nobody was available to open them:-

- i) Flat No. 12A, Nariman CHS Ltd.
- ii) Flat No. 501, Cupid Apartment, and
- iii) Ghelabai Godown.?

B) What steps the Court Receiver shall take as the valuer M/s Shetgiri and Associates have not submitted the valuation reports of the following properties:-

- i) Flat No. 2, Hira Villa CHS Ltd.
- ii) Flat No. 2A and 2B, Andromeda CHS Ltd.
- iii) Flat No. 5, Soona Mahal CHS Ltd., and
- iv) Flat No. 101, Gulmarg Apartment

C) What steps the Court Receiver shall take as the respective society (its office bearers) did not provide documents in respect of following properties:

- i) Flat No. 501, Cupid Apartment,
- ii) Flat No. 5, Soona Mahal CHS Ltd., and
- iii) Ghelabai Godown

D) What steps the Court Receiver shall take as the owners of the properties mentioned in Table No. 1 and Table No. 2 has not provided documents?

E) What steps the Court Receiver shall take as the symbolic possession of Flat No. 2 B at Andromeda CHS Ltd., Worli could not be taken as Flat no. 2A and 2B were informed to be combined and the Court Receiver's Agent in respect of Flat No. 2A was not present at the time of visit?

F) What steps the Court Receiver shall take in respect of offer received from Aditya International Ltd. for purchase/rent in respect of Flat Nos. 2A and 2B, Andromeda CHS Ltd.?

G) Costs of the Court Receiver's report may kindly be quantified to Rs. 5,000/- and may kindly be allowed to be deducted from the amount lying in the suit account of High Court Suit No. 4913 of 2000."

2. Mr. Sigamporia, Mr. Dwarkadas and Mr. Kalpesh Joshi, learned Counsel appearing in the matter submit that this Court may give directions with respect to paragraph 24A of the Court Receiver's Report as the Plaintiff and his mother have obstructed the valuation exercise that was directed to be carried out by this Court by order dated 22nd January, 2026 read with order dated 26th February, 2026. Learned Counsel submit that this Court may direct police assistance to the Court Receiver and the Valuer for carrying out the said exercise.

3. Mr. Jariwala, learned Counsel appearing for the Plaintiff and Ms. Priyanka Kothari, learned Counsel appearing for the Plaintiff's mother submit that replies to the Court Receiver's Report are ready and have also been served upon the others including the Court Receiver last evening.

4. The Court Receiver, who is present in the Court along with his Officer on Special Duty, denies the receipt of any such response.

5. However, Mr. Siganporia, Mr. Dwarkadas and Mr. Joshi submit that they have just been served the copies of the response without exhibits.
6. Let complete copies of the response be served during the course of the day to all concerned.
7. Let Mr. Siganporia, Mr. Dwarkadas and Mr. Joshi consider the said response, after which this Court will consider prayer Clause 24A of the Court Receiver's Report.
8. Let instructions be taken on the response to the Court Receiver's Report within a period of two weeks.
9. Learned Counsel appearing in the matter also point out that prayer Clause 24B in the Court Receiver's Report has worked itself out as M/s Shetgiri & Associates has already submitted the valuation report in respect of the said 5 properties mentioned therein as soft copies have been received.
10. The Court Receiver present in the Court confirms receipt of the hard copies of the said report.

11. Mr. Shetgiri is personally present in Court and he clarifies that there are two valuation reports, in respect of the each of the property, filed in this Court: one contains market value and other contains royalty.

12. Accordingly, the Court Receiver's Report No. 106 of 2026 stands disposed in respect of the prayer Clause 24B.

13. List on **24th April, 2026** for consideration of the other prayers.

14. There is also another Court Receiver's Report No. 116 of 2026, which has been filed by the Court Receiver today in view of the observations in paragraph 3 of the order dated 2nd April, 2026 offering unconditional apology with a request to expunge the remarks.

15. I have perused the said report and also the steps taken by the Court Receiver in calling for explanation and considering the same and also fixing responsibility. In paragraph 7 of the said report an unconditional apology has been tendered on behalf of the office of the Court Receiver and also an undertaking that the same will not be repeated with a request to accept the apology and expunge the remarks.

16. While this Court is inclined to accept the Court Receiver's Report No. 116 of 2026 and the unconditional apology and undertaking, it must be understood that the Court Receiver's office is an extension of the High Court and not an independent office and that the observations that the Court made are not personal in nature and only to get the system working for the benefit of the litigants. The Court Receiver's office is an important arm of the High Court and the functioning of the Court Receiver in office on 2nd April, 2026 has always been appreciated by this Court and the observations made in specific matters are not to be taken personally or in an offensive manner.

17. Having said so, the observations made in paragraph 3 of the order dated 2nd April, 2026 the words *"This Court has been observing from the last few months that when the matters involving the Court Receiver's office are called out, none is present on behalf of the Court Receiver and many times after the matter is midway or is over, the Court Receiver's representative seems to be lazily walking in to the Court"* to accordingly stand expunged.

18. The Court Receiver's Report No. 116 of 2026 to accordingly stand disposed.

(ABHAY AHUJA, J.)