

Ravindra Ishwardas Sethna And Anr. vs Official Liquidator, High Court, ... on 18 February, 1983

Equivalent citations: 1983(1)SCALE784, 1984SUPP(1)SCC605

Bench: D.A. Desai, V. Balakrishnan Eradi

ORDER

1. The appeal is allowed and the order made by the learned Single Judge as well as the Division Bench of the Bombay High Court rejecting the Judge's Summons taken out by the appellants is set aside and the Judge's Summons is granted to the extent indicated herein.
2. The appellants shall deposit Rs. 1,50,000/- by or before March 1, 1983 in this Court. Respondent No. 2 Smt. Sabita V. Adapa shall hand over vacant and peaceful possession of the property being a shop Nos. 8/9 on the ground floor of the building formerly known as 'Jagmohan Building No. 2' or as 'Ayaz Mansion' and now styled as 'Ram Kutir' situated at Station Road, Andheri, Bombay-400058 to the liquidator on or before February 28, 1983 who shall forthwith hand over possession on March 1, 1983 to the appellants, after taking a statement from the appellants that they have deposited the amount of Rs. 1,50,000/- in this Court as herein Indicated.
3. On respondent No. 2 handing over vacant and peaceful possession of the afore-mentioned shop to the liquidator by or before February 28, 1983, the liquidator shall forthwith refund to her the security deposit of Rs. 28,800/- deposited by the second respondent with the liquidator.
4. Respondent No. 2 will be at liberty to remove all furniture and fixtures placed by her in the suit shop without causing damage to the property.
5. The amount of Rs. 1,50,000/- to be deposited by the appellants in this Court will with the consent of the appellants be disbursed according to the direction to be given by this Court to the needy and the deserving creditors of the Chit center Pvt. Ltd. already ordered to be wound up by the High Court. Neither the liquidator nor the creditors of Chit center Pvt. Ltd. have any right to claim this amount of Rs. 1,50,000/- or any part thereof as it is an ex-gratia payment made by the appellants for alleviating the misery if any of some of the hard hit creditors of Chit center Pvt. Ltd. The distribution of the aforesaid amount will be at the absolute discretion of this Court. The appeal is allowed to the extent herein indicated with no order as to costs.