

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 5468 OF 2016

Govindrao Ramchandra Kunde

..PETITIONER

VERSUS

Suresh Govindrao Kunde and Others

..RESPONDENTS

....

Mr. M.M. Joshi, Advocate for petitioner.

Mr. R.L. Kute, Advocate h/f Mr. V.R. Dhorde, Advocate for respondents.

....

CORAM : T.V. NALAWADE, J.

DATED : 13th OCTOBER, 2016

ORDER :

1. The petition is filed to challenge the order made by the Trial Court of appointment of Court Commissioner. Heard both sides.

2. The suit is filed by Respondent No.1 for relief of partition and separate possession. The property involved is agricultural land, shops and houses. On the application filed by plaintiff, the Trial Court has appointed Court Receiver. There is dispute that the previous receiver was not maintaining accounts and the interests of plaintiff and others were not protected. Due to this allegation, appointment of Court Receiver was cancelled and third party is appointed as Court Receiver. The order was

made by the Trial Court on 18th August, 2014 and that order is not stayed. As the plaintiff is interested to see that property is protected and interests are protected, it can be said that in the interest of both, the suit itself can be expedited and that will serve the purpose of both the sides. For that there is no need to disturb the order of appointment of receiver of Trial Court.

3. So the petition is disposed of with direction to the Trial Court to dispose of the suit expeditiously and in any case within four months from the date of receipt of the order of this Court. Both sides are expected to cooperate.

(T.V. NALAWADE, J.)

SSD