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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER (STAMP) NO.670 OF 2016
WITH
CIVIL APPLICATION (STAMP) NO.674 OF 2016

Basant M. Mishra	...Appellant
V/s.	
Lolarakh M. Mishra & Anr.	...Respondents

Mr.Anand Kandoi for the Appellant.

None for the Respondents.

CORAM : R.D. DHANUKA, J.
DATE : 1ST FEBRUARY, 2016.

P.C. :-

1. The learned trial Judge refused to appoint the Court Receiver at the ad-interim stage. There is no dispute that the learned trial Judge has already granted injunction against the defendants in respect of the suit property.

2. The learned trial Judge shall dispose of the notice of motion expeditiously and preferably within three months from today. It is made clear that *prima-facie* observations made by the learned trial Judge refusing to appoint the Court Receiver are *prima-facie*. The learned trial Judge shall dispose of the notice of motion on its own merits without being influenced by the observations made in the

impugned order dated 12th December, 2015.

3. The defendants are directed to file affidavit in reply within two weeks from the date of the communication of this order. It is made clear that no further extension would be granted for filing affidavit in reply. Re-joinder, if any shall be filed within two weeks from the date of service of affidavit in reply.

4. The appeal from order is accordingly disposed of in aforesaid terms.

5. In view of the disposal of the appeal from order, the civil application does not survive and is accordingly disposed of. No order as to costs.

(R.D. DHANUKA, J.)