

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
LETTERS PATENT APPEAL NO.170 OF 2010
IN
FIRST APPEAL NO.739 OF 1999
WITH
CIVIL APPLICATION NO.2556 OF 2009

Nandkishor Narayan Joshi and anr. ... Appellants
v/s
Sujeet Narendra Sharma and anr. ... Respondents

None for Appellants.
None for Respondents.

CORAM: V.M. KANADE &
SMT SWAPNA S. JOSHI JJ.

DATE : 30TH AUGUST 2016

P.C. :-

1. None appears on behalf of the Appellants. The Appellants are aggrieved by a common order passed by the learned Single Judge dated 17th July 2009 on the report made by the Court Receiver.
2. The brief facts are that the Court Receiver was appointed as a Receiver of the suit premises. The Court Receiver was pleased to fix the quantum of royalty. This order was challenged before the

learned Single Judge who was pleased to fix the quantum of royalty at the rate of Rs.15,000/- p.m. by an order dated 17th July 2009 with effect from 12th August 1999. The appellants took out Civil Application in Letters Patent Appeal and the Division Bench by order dated 13th July 2010 changed the order passed by the learned Single Judge dated 17th July 2009 fixing the quantum of royalty at the rate of Rs.15,000/- p.m. The Division Bench directed that the Appellants shall deposit Rs.10,000/- p.m. and out of which the original Plaintiffs were permitted to withdraw the amount of Rs.6,000/- p.m.

3. The aforesaid order is in operation during the pendency of Appeal from 2010 onwards. Since the said order has been in operation for the last six years, we direct that the said order shall continue during the pendency of the Suit. The order passed by the learned single Judge is set aside to the aforesaid extent. With this direction, Appeal is disposed of. No order as to costs. Civil Application does not survive, it is disposed of accordingly.

(SMT SWAPNA S. JOSHI, J.)

(V.M. KANADE, J.)