

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION*

WRIT PETITION NO. 8178 OF 2014

Shri Kamruddin Razauddin Shaikh.

.. Petitioner

Vs.

The Court Receiver
High Court, Bombay.

.. Respondent

Mr.Bhupesh Samant, for the Petitioner.
None for the Respondent.

***CORAM : N.M.Jamdar, J.
Tuesday, 16 August 2016.***

P.C. :

The Petitioner challenges the order passed by the City Civil Court, Bombay passed below the Court Receiver's report No.253 of 2011 in Short Cause Suit No.5824 of 1981.

2. By the impugned order, the learned Judge has directed the Plaintiff to appoint an advocate on behalf of the Court Receiver from the Panel of the Court Receiver. This is entirely a discretionary order passed by the learned Civil Judge. It is not possible to substitute the discretion of the learned Judge in supervisory discretion under Article 227. No failure of justice is shown by the Petitioner. The learned counsel for the Petitioner submitted that the fees of the earlier Advocate have not been paid. If such grievance exists, it is always

open to the Petitioner to bring the fact to the notice of the learned City Civil Court, Judge. The Writ Petition is rejected.

(N.M.Jamdar, J.)