

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2016 OF 2018

SAMBHAJI LAXMANRAO PAWAR DIED LRS
VERSUS
BHASKARRAO BAPURAO PATIL

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Advocate for Petitioners : Shri Dhorde Vikram R.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: March 09, 2018

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PER COURT :-

1. The petitioners / plaintiffs are aggrieved by the order dated 6.9.2017 passed by the trial Court, by which, application Exhibit 28 filed in RCS No.61 of 2013 has been rejected.

2. Shri Dhorde, learned Advocate strenuously contends that the petitioners and the respondents are partners in a firm by name, M/s Godavari Hotel. A suit for perpetual injunction with allied prayers has been filed by the plaintiffs against the defendants. By order dated 11.3.2016, the trial Court has granted temporary injunction in favour of the plaintiff, till the final disposal of the suit. In this backdrop, since the defendant was mis-utilizing the properties held by the partnership firm, the petitioners had preferred Exhibit 28 seeking appointment of a Court Receiver for performing those jobs, which are mentioned in the

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prayer clause (A) to (H). As the defendant was creating third party interest in several properties held by the partnership firm, the Court Receiver had become necessary.

3. The trial Court has relied upon the judgment delivered in the case of Rasi Dei Vs. Bikal Moharana [AIR 1965 Orissa 20] and has noted that a Court Receiver can be appointed only in rarest of rare cases as it is recognised to be one of the harshest remedy. It is only when the plaintiff could show grave emergency, danger or loss to the property and other acts which would cause manifest peril to the plaintiff, that a Court Receiver could be appointed.

4. Considering the above, I find that the petitioners have not made out any such case, which would, at this stage, warrant appointment of a Court Receiver.

5. This petition being devoid of merits is, therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

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