

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.580 OF 2014
WITH
CIVIL APPLICATION NO.703 OF 2014

Mohd. Hanif Madhia Appellant

V/s.

Salauddin s/o Mohammed Yusuf
Madhia andors Respondents

Mr. S. Shamik i/by Shamim and Co., for the Appellant

Mr. S.N. Gawade i/by Shree & Co., for the Respondent Nos. 1 to 12.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 22nd OCTOBER, 2018.

P.C. :

- 1] Heard learned counsel for the appellant and respondents.
- 2] This Appeal is preferred against the order dated 19th March, 2014 whereby the Notice of Motion No.3602 of 2013 in Suit No.2696 of 12, came to be allowed partly.
- 3] By the said order, the trial Court has restrained respondents from creating third party interest in the suit property during the pendency of the suit.
- 4] The grievance of the appellant is that the trial Court has not granted the other reliefs namely appointment of the Court Receiver, taking the accounts and to give appellant his share from the earning of

the suit property.

5] In my considered opinion, the trial Court has rejected these reliefs at the prima facie stage. If at all the appellant succeeds in proving his case, he will be entitled to get those reliefs. There is absolutely no case made out for the appointment of Court Receiver. Therefore, the Appeal from Order being without merit stands dismissed.

6] In view of dismissal of the Appeal itself, pending Civil Application therein no more survives and the same is disposed off accordingly.

[DR. SHALINI PHANSALKAR-JOSHI, J.]