

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

**CIVIL APPLICATION NO. 152 OF 2019
IN
APPEAL FROM ORDER NO. 187 OF 2018**

Ravji Ramji Patil (deleted since deceased)
Vasudeo Ravji Patil & Ors. ...Appellants/Applicants
vs.
Micky Jaywant Patil & Ors. ...Respondents

Mr.Sandesh D. Patil i/b. Anusha Amin for Appellants.
Mr.Shreepad Murthy i/b. Abhishek Patil for Respondents.
Mr.Vasudeo Ravji Patil, Applicant No.2 present.
Mr.Micky J. Patil, Respondent No.1 present.
Mtr.Upesh J. Patil, Respondent No.3 present.

CORAM : S.C. GUPTE, J.

DATE : 17 OCTOBER 2019

P.C. :

The civil application is made for permission to sell some flats, which form part of the dispute between the parties and in respect of which there is an interim order in operation passed by this court in an earlier writ petition, namely, Writ Petition No.344/2014. This order was to operate during the pendency of the suit for partition pending before the trial court. That suit has been dismissed by the trial court and an appeal from that order has been allowed by the first appellate court and the suit has been remanded to the trial court for a fresh hearing. That order is subject matter of challenge in the present AO. The AO has been admitted and the interim order passed by this court in Writ Petition No.344/2014 has been continued.

2 After the matter is heard at some length, it is agreed between learned Counsel for the parties that the civil application may be disposed of by appointing a Court Receiver in respect of 16 flats,

which are described in the order dated 17 February 2014 passed in Writ Petition No.344/2014. Both parties, namely, the Applicants to the present civil application and the Respondents to the civil application, shall jointly contribute to the outgoings of these 16 flats by funding the Court Receiver.

3 Accordingly, Court Receiver, High Court, Bombay is appointed as a receiver of 16 flats referred in the order of 17 February 2014, which are subject to the injunction passed by this court, without any royalty or security. The Receiver shall put his lock on these 16 flats and shall bear outgoings in respect of the flats *inter alia* by paying bills of the society and/or Thane Municipal Corporation and/or MSEDCL, the electricity distribution company, which has provided electrical connections in these flats. Both parties, namely, the Applicants in Civil Application No.152/2019, on the one hand, and the Respondents, on the other, shall contribute equally for these outgoings and other expenses and shall fund the Receiver accordingly. Both parties shall deposit such amounts, as may be demanded by the Court Receiver in this behalf, within two weeks of the Receiver making a requisition in that behalf. This order is passed in the presence of Applicant No.2 and Respondent Nos.1 and 3. The civil application is disposed of.

(S.C. GUPTE, J.)