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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**JUDGES ORDER NO.128 OF 2019
IN
SUIT NO.157 OF 2005**

Maltibai M. Raut and anr ... Plaintiffs.
V/s.

Rajesh J. Muchhala and 4 ors
& Court Receiver, High Court ... Respondents

and
Court Receiver, High Court, Bombay ... Respondents.

Mr. P. G. Sawant, for the Defendant Nos. 1 to 4.
Mr. N.A. Bhandodkar, 1st Assistant to Court Receiver,

CORAM : N. J. JAMADAR, J.

DATE : 19th November, 2019.

PC. :

1] Heard the learned counsel for defendant Nos. 1 to 4.

2] The suit, being suit No.157 of 2004, was instituted against defendants by Maltibai Raut and others. On 23rd December, 2004, the Court Receiver was appointed in respect of the suit property and the defendant No.1 was appointed as an agent of the Receiver on monthly royalty of Rs.5,000/-.

3] The plaintiff has withdrawn the suit on 27th August, 2010. The Court Receiver filed report seeking certain directions. By order dated 14th

June,2013, Court Receiver stood discharged.

4] The defendants made an application to refund the amount deposited as per order dated 23rd December, 2004. The court Receiver was of the view that since there was no direction from the Court, as regards the refund of the amount lying with the Court Receiver, orders from the Court be obtained. Hence, this Judge's Order.

5] Evidently, the suit in which the Court Receiver came to be appointed has been withdrawn pursuant to order dated 27th August, 2010.

6] This Court, by order dated 14th June, 2013, has expressly recorded that the Court Receiver stood discharged on the date of the withdrawal of suit. There is no claim over the amount which the defendant No.1 has deposited with the Court Receiver in pursuance of the order dated 23rd December, 2004.

7] Hence, the amount lying with the Court Receiver, with the accrued interest thereon, be refunded to defendant No.1 or his authorized representative, in the event defendant No.1 gives authorisation to withdraw the said amount, on proper identification.

8] Judge's Order disposed of accordingly.

[N. J. JAMADAR, J.]