

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

SATURDAY, THE 27TH DAY OF APRIL 2019

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

O.A.No.1280 of 2015

in

C.S. No.929 of 2015

Tmt.PL.Alamelu

W/o.Mr.Palaniappan, Old No.9,
New No.11 Bharathi Nagar 3rd Street
North Usman Road
T.Nagar, Chennai -17

...Applicant/Plaintiff

VS

1. Sri M.Muthukaruppan
Old No.7, New No.11,
Rosary Church Street,
Santhome Mylapore,
Chennai-600 004.
- 2 RM.Arunachalam
Sona Illam
No.7, AR A RM Street,
Karaikudi 1.
- 3 M.Ravi
Flat No.B-1, Shamroc Apartments
126, Madha Chruch Sreet,
Santhome High Road, Chennai-600 028.
- 4 M.Palaniaappan
Shri Sai Illam
No.38, Lazarus Chruch Road
3rd Lane, Santhome
Chennai-600 028.
- 5 Tmt.R.Alagammai
No.5, Dhandayuthapani Nagar,
First Sreet,Kotturpuram
Chennai -600 085.
- 6 State Bank of India
Rep.by its Branch Manager,
Mandaveli Branch,
"AIM Buildings" Ground Floor
Old No.28, New No.48,
Venkatakrishna Road

Mandaveli, Chennai- 600 028.

- 7 Bank of India
Rep.by its Branch Manager,
Santhome Branch
Ground Floor, Old No.7, New No.11,
Rosary Church Street,
Santhome Mylapore,
Chennai-600 004.
- 8 Jaya Priya Chit Funds Private Limited,
Rep.by its Chief Executive Officer,
First Floor, Old No.7, New No.11,
Rosary Church Street,
Santhome, Mylapore, Chennai-600 004.
- 9 Innoart Technologies Pvt.Ltd.
Rep.by its Managing Director
Corporate Office, "ALM Buildings"
First Floor
Old No.28, New No.48,
Venkatakrishna Road,
Mandaveli, Chennai- 600 028.
- 10 Global Institute of Gaming and Animation
Rep.by its Executive Officer,
"ALM Buildings"
Second Floor
Old No.28, New No.48,
Venkatakrishna Road,
Mandaveli, Chennai- 600 028.
- 11 Mr.B.Puttanna
Race Horse Trainer
Old No.19 New No.23
American Colony, Crescent Road,
Kumarapark East,
Shivananda Circle,
Bangalore-560 001.
- 12 S.N.Venkata Rao
Old No.18 New No.24
American Colony, Crescent Road,
Kumarapark East,
Shivananda Circle,
Bangalore-560 001.
- 13 High land Suits
Rep.by its Manager/Proprietor,
Old No.17 New No.25
American Colony, Crescent Road,
Kumarapark East, Shivananda Circle,
Bangalore-560 001.

Original Application praying that this Hon'ble Court be pleased to appoint an Advocate Receiver to take charge of the administration and collection of monthly rents from the tenants in the plaint Schedule properties pending disposal of the above suit.

This Original Application coming on this day before this court for hearing the court made the following order:

Though this application was filed seeking appointment of an Advocate Receiver to take charge of the administration and collection of monthly rents from the tenants in the plaint schedule properties pending disposal of the above suit, this Court by order dated 21.11.2016 had appointed an Advocate Commissioner with a direction to the Commissioner to visit all the properties and file a report regarding the actual rent that is being paid by the tenants in occupation of the properties.

2. Pursuant to the said order, the Advocate Commissioner had also visited all the properties and has filed a report setting out the rents collected.

3. Now that the amount of rents that is being collected has been reported to this Court, I don't see any necessity to appoint Receiver, since appointment of Receiver is extraordinary remedy and cannot be resorted to for the mere asking. Proof of acts of waste is essential for appointment of Receiver. I don't find any allegation regarding acts of waste committed by the defendants in the affidavit filed in support of this application.

4. Hence, this application for appointment of Receiver is **dismissed**. The Advocate Commissioner's report is taken on file.

Sd./-R.S.M.J

01.03.2019

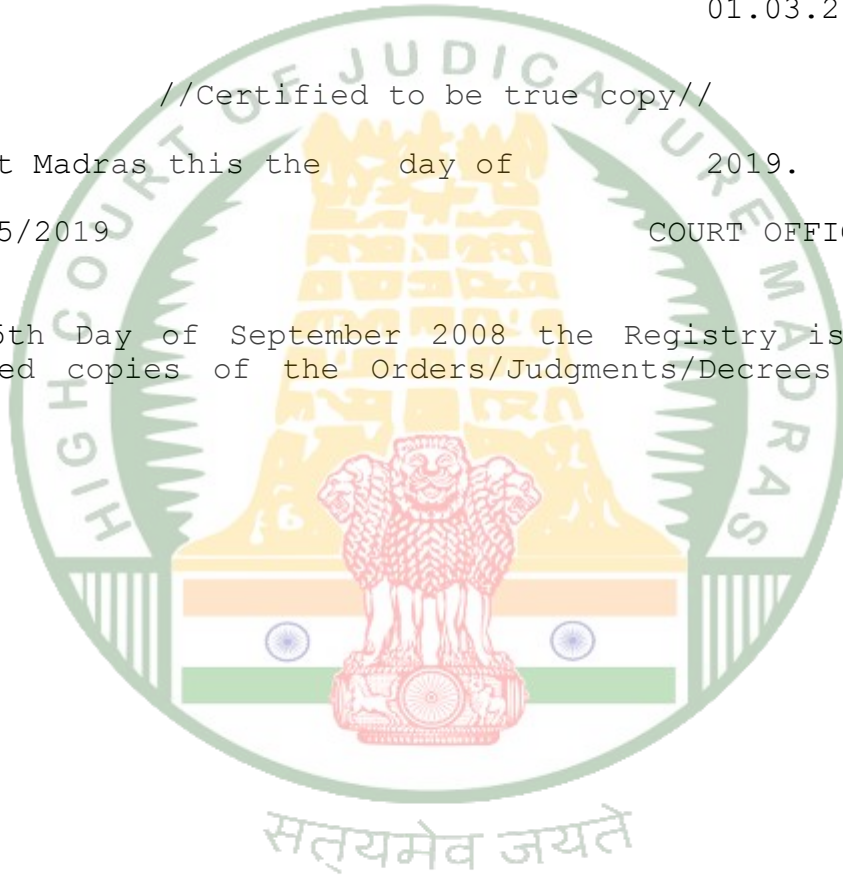
//Certified to be true copy//

Dated at Madras this the day of 2019.

TE/13/05/2019

COURT OFFICER(O.S.)

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