

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 08TH DAY OF FEBRUARY 2019

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

O.A. No.839 of 2018

in

C.S. No.629 of 2018

Ashok Kumar Gupta,
S/o.Late N.D.Gupta,
No.31, Dr.Guruswamy Road,
Chetpet, Chennai-600 031.

... Applicant/Plaintiff

-Versus-

1. Mr.Sanjay Kumar Gupta,
S/o.Late N.D.Gupta,
2. Mr.Mohit Gupta,
S/o.Sanjay Kumar Gupta,
3. Mr.Akash Gupta,
S/o.Sanjay Kumar Gupta,
1 to 3 are residing at
Picnic Plaza, No.3, R.K.Mutt Road,
Mylapore, Chennai-600 004.
4. Rajendra Kumar Gupta,
S/o.Late N.D.Gupta,
C/o.Ratna Cafe, No.2,
Triplicane High Road,
Chennai-600 005.
5. Mr.N.Devendra Gupta,
S/o.Late N.D.Gupta,
No.2, R.K.Mutt Road,
Mylapore, Chennai-600 004.
6. Mr.Tarun Gupta,
S/o.Late B.S.Gupta,
7. Mr.Arun Gupta,
S/o.Late B.S.Gupta,

8. Mrs.Anupam Bansal,
S/o.Late N.D.Gupta,
6 to 8 are residing at
B-3, Lloyds Colony, Lloyds Road,
Chennai-600 014.
9. Mrs.Latha Gupta,
F-3, Lloyds Colony, Lloyds Road,
Chennai-600 014.
10. Mrs.Sudha Gupta,
11. Mrs.Rajini Gupta,
10 & 11 are residing at
C-3, Geetanjali Enclave,
New Delhi.
12. Mrs.Hema Gupta,
C-3, Geetanjali Enclave,
New Delhi.
13. Mrs.Beena Gupta,
No.5, 1st Main Road,
Chandra Bagh Avenue,
Mylapore, Chennai-600 004. ... Respondents/Defendants

Original Application praying that this Hon'ble Court be pleased to appoint a Receiver to collect all rents, income and advances from tenants and from the business in the name and style of "PICNIC PLAZA" functioning in the schedule-A property and schedule-B property morefully described in the schedule hereunder and further direct the Receiver to deposit the same into a separate bank account and maintain accounts for the same, apart from accounting the income and rents collected from the Schedule-A and B property ever since 24.07.2004, pending disposal of the above suit.

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

Application No.839 of 2018 has been filed to seeking appointment of receiver in respect of the suit "A" Schedule property.

2. The Suit "A" Schedule Property is a commercial complex, part of which is owned by the properties to the litigation. It is admitted fact that the basement and ground floor have been substantially sold out and the 5th defendant is running a hotel business in the first and second floors and a restaurant in the ground floor. It is also the admitted case of the parties that the business belongs to the 5th defendant. It is further claim that the defendants 1 to 5 are collecting rents from the basement and the ground floor.

3. In these circumstances, I see no reason to appoint a receiver, since appointment of a receiver is a drastic remedy which is to be resorted to only in the event on proof of wastage of property. I do not see any allegation in the affidavit to that effect. Hence, this application is disposed of with the direction to defendants 1 to 3 to maintain true and proper accounts of the rental collection

made from the portions of "A" Schedule property, which are rented out to third parties as well as the expenses incurred.

Sd/-R.S.M.J

08/02/2019

//Certified to be true copy//

Dated at Madras this the day of 2019.
JJ 19/03/2019

COURT OFFICER(O.S.)

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