

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**APPEAL FROM ORDER NO. 333 OF 2021
WITH
INTERIM APPLICATION NO. 2943 OF 2021
IN
APPEAL FROM ORDER NO. 333 OF 2021**

Avinash Ramakant Vagal ...Appellant/Applicant

Vs.

Janahvi wife of Jagdish Vagal ...Respondent

Mr. Mohan D. Naik, Advocate for the Appellant/Applicant.

Mr. Satish Kamat, Advocate for the Respondent.

Mr. D. N. Kher, Court Receiver a/w. Mr. S. K. Dhekale, OSD is present.

**CORAM : A. S. GADKARI, J.
DATE : 30th NOVEMBER, 2021.**

P.C.:-

By the present Appeal, the Appellant has impugned the order dated 18th September 2021 passed by the learned Judge, City Civil Court, Mumbai below Exhibit 9 in Short Cause Suit No. 28 of 2016. By the impugned Order, the Trial Court has appointed the Respondent as Agent of Court Receiver for the articles mentioned in Inventory III. It is observed in the impugned Order that if the articles are put to the auction, it will cost

more than the value of the articles. In view thereof, after taking into consideration the facts and relevant aspect of the matter, the Trial Court has directed the Respondent to be appointed as an Agent of the Court Receiver upon furnishing an undertaking, to safe guard the property mentioned in Inventory III and not to transfer or dispose of the same till the decision of the suit.

2 During the course of arguments, this Court had suggested the Appellant to deposit certain amount in the Registry of this Court to secure the value of the said articles and to accept the possession of the same. The appellant after indulging in substantive bargaining, ultimately expressed his inability to accept the suggestion of this Court.

3 Be that as it may. Perusal of the Order would indicate that the trial Court has not committed any error either in law or on facts while passing the interlocutory order which according to this Court is innocuous in nature. There is no merit in the Appeal.

4 The Appeal is dismissed.

5 In view of disposal of Appeal from Order itself, Interim Application No. 2943 of 2021, does not survive and is also disposed off.

(A. S. GADKARI, J.)