

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.189 of 2022

1. Mubin Mohd. Yusuf Satopay @ Mubin Satopay Son of Mohd. Yusuf Satopay, Resident of Flat No.6, Tasnim Building, Plot No.736, 3rd Floor, LJ Cross Road No.2, Mahim, Mumbai- 400016.
2. Rehana Daughter of Hussain Miya Satopay, Resident of Flat No.6, Tasnim Building, Plot No.736, 3rd Floor, LJ Cross Road No.2, Mahim, Mumbai-400016.

... .. Petitioner/s

Versus

1. Kubendran Manikam Chettiar Son of Manikam Chettiar, Resident at Sona Dhodi Samore, Malad West, Mumbai (Maharashtra) Pin 400064, presently residing at Sahebganj, P.S. Chhapra Town, District- Saran.
2. Abdul Majid Mohammad Aziz Son of Md. Abdul Aziz Resident of Ground Floor, 736/1, Tasnim Building, L.J. Cross Road No.2, Next to R.C. Mahim School, Mahim West Mumbai- 400016.
3. Miss Zainab Mohammad Aziz Wife/Daughter of Mohammed Aziz, Resident of Ground Floor, 736/1, Tasnim Building, L.J. Cross Road No.2, Next to R.C. Mahim School, Mahim West Mumbai- 400016.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kishore Verma
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 16-05-2022 Heard the learned counsel for the petitioner.

The learned counsel for the petitioners has submitted that the learned court below has proceeded against the property situated in Mumbai and vide order dated 26.08.2021, the Receiver was appointed. The said Receiver has locked the premises. He has submitted further that although, the order of appointment of Receiver is appealable under the provisions of Order XLIII Rule (1) (s) of the Code of Civil Procedure (herein



after referred to as ‘the Code’), but the suit itself is not maintainable *prima facie*. He has also brought to notice of this Court that his petition under Order I Rule 10 (2) of the Code is pending in the trial Court and order has been reserved on that petition.

In the above-mentioned facts and circumstances, the learned court below is directed to dispose of the petition filed by the intervenor under Order I Rule 10 (2) of the Code within a period of one month if the order has not been passed up till now. The learned trial Court is also directed to decide the point on maintainability of the suit as preliminary issue within a period of two months.

With these observation and directions, this civil miscellaneous petition is disposed of.

(Nawneet Kumar Pandey, J)

Mahesh/-

U			
---	--	--	--

