

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

17 WRIT PETITION NO.12930 OF 2023

SATISH SHRIPATRAO KHILLARE AND ANOTHER
VERSUS
SHRIPATRAO KASHIRAMJI KHILLARE AND OTHERS

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Advocate for Petitioners : Mr. Chavan Sudhir K.

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CORAM : S. G. MEHARE, J.
DATE : 20.10.2023

PER COURT :-

1. Heard the learned counsel for the petitioners.
2. The petitioners have impugned the order of the learned Ad-hoc District Judge-1, Parbhani passed in Misc. Civil Appeal No.87 of 2022, dated 18.07.2023, whereby the order rejecting the application for Court receiver under Order XL Rule 1 of the CPC of the Trial Court was turned down.
3. The suit was for partition and separate possession.
4. Learned counsel for the petitioners submits that ten years back the defendants dispossessed petitioners from the suit land. The Court had ordered him to submit the accounts. However, he did not.

5. The orders directing the defendant to submit the account. If the Court orders are violated, legal remedy is available.

6. Considering the nature of the suit, long dispossession of the defendants and also the nature of the properties, the Court is of the view that there are no circumstances and it is not just and proper to appoint the Court receiver. The impugned orders are free from illegality. There is no substance in the writ petition. Hence, the writ petition stands dismissed at admission stage.

(S. G. MEHARE, J.)

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vmk/-