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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

FIRST APPEAL NO.191 OF 2015

Sushila Shivaji Chothe

... Appellant

V/s.

Anjana Tukaram Gaikwad & Anr.

... Respondents

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Mr. V.S. Kapse i/by Mr. Praveen L. Singh for the
appellant.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 24, 2023

P.C.:

1. The appellant who is original plaintiff is challenging judgment and decree dated 28th November 2014 passed by the learned City Civil Court, Dindoshi in S.C.Suit No.486 of 2003 dismissing the said suit. While dismissing the suit, the learned Trial Court directed the plaintiff to deposit an amount of Rs.20,000/- to the defendant no.2 with interest at the rate of 9% per annum from the date of the suit till its realization. The plaintiff was also directed to refund articles and goods to the defendant no.1. The plaintiff has, therefore, filed present first appeal.

2. In spite of service of present first appeal, none appears for the respondents.

3. Learned advocate for the appellant, on instructions, states that the amount of Rs.20,000/- as directed in clause (1) of the

decree has already been paid, and if not paid the appellant will pay the same to the defendant no.1 within eight (8) weeks from today. The plaintiff is also ready to refund the articles and goods as directed in clause (2) of the decree. He shall also pay additional costs of Rs.5,000/- as directed in clause (3) of the decree.

4. In that view of the matter, nothing remains to be adjudicated in the present first appeal.

5. It appears from paragraph 7 of the impugned judgment that during the pendency of the suit, Court Receiver came to be appointed and plaintiff was appointed as his agent. The plaintiff is paying royalty to the respondent. There is no decree passed by the Trial Court continuing the Court Receiver nor Court Receiver is continued by order of this Court.

6. Be that as it may, since the first appeal is being disposed of, the Court Receiver stands discharged, subject to furnishing accounts.

7. The first appeal stands disposed of in above terms. No costs.

8. The royalty amount paid by the appellant, subject to furnishing account and upon its adjudication by the Court Receiver, appropriate amount be refunded to the appellant as decided by the Court Receiver.

(AMIT BORKAR, J.)