

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**APPEAL FROM ORDER NO. 489 OF 2016**  
**WITH**  
**CIVIL APPLICATION NO. 635 OF 2016**

Saudamini Finance Corporation Through it's ... Appellants  
partners & Ors.

*Versus*

Ravindra Parshuram Dangi and Ors. ... Respondents

Mr. S. S. Kanetkar, for Petitioners.

Mr. Jaydeep Deo, for Respondent No. 1 to 3.

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**CORAM: G. S. KULKARNI, J.**  
**DATED: JANUARY 04, 2023**

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**P.C.**

**1.** This appeal from order is directed against the judgment and order dated 30 December 2015 passed by the 5<sup>th</sup> Additional Judge, Small Causes Court, Pune, whereby an application filed by the appellants/plaintiffs under Order 40 Rule 1 of the Code of Civil Procedure praying for appointment of Court Receiver on the suit property till the decision of the suit, has been rejected. This Court on 23 June 2016 while issuing notice to the respondents, has passed the following order:-

“ Heard learned Counsel for the Appellants. Issue notice to the Respondents, returnable on 21 July 2016.

2. Apart from usual mode of service, the Appellants are permitted to serve private notice through Registered A.D./Speed post/ Fax/ e-mail and file affidavit of service before the returnable date. In the meanwhile, the Respondents will not create any third party rights in respect of the suit property or part with possession till further orders.”

**2.** The above said order has continued to operate almost for a period of eight years. Mr.Kanetkar, learned Counsel for the appellants submits that in the meantime the suit has progressed, issues have already been framed, the plaintiffs have already filed an affidavit of evidence.

**3.** In the above circumstances, in my opinion, the appeal would not warrant any further adjudication and it is appropriate that the suit itself be decided as expeditiously as possible, keeping open all the contentions of the parties. The order dated 23 June 2016 as passed by this Court has continued to operate till date. It is appropriate that such protection as granted by the said order in favour of the appellants, shall continue to operate till the final disposal of the suit.

**4.** The appeal from order is disposed of in the above terms. No costs.

**5.** All contentions of the parties on merit in the pending suit, are expressly kept open, and the suit be decided without being influenced by the impugned order.

**6.** In view of disposal of the appeal, pending civil application would not survive, the same stands disposed of.

(G. S. KULKARNI, J)