

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**APPEAL FROM ORDER NO. 830 OF 2023
ALONGWITH
INTERIM APPLICATION NO. 507 OF 2019**

Mrs. Sadaf Rajab Shaikh

...Appellant

V/s.

Ms. Khushnuma Shamshad Ali

Khan and Ors.

...Respondents

Mr. A.H. Khatrik a/w. Mr. Sujay S . Prabhu i/by. Khatri Legal
Venture for the Appellant.

None for the Respondent.

CORAM : SANDEEP V. MARNE, J.

Dated : 11 October 2023.

P.C. :

1. The challenge in the present appeal is to the order dated 24 July 2019 passed by the City Civil Court partly allowing Notice of Motion No. 1365/2018 filed by the Appellant-Plaintiff. The City Civil Court has granted limited temporary injunction to restrain the Defendants from creating third party interest in the suit property. The Plaintiff had also prayed for interim relief for appointment of Court Receiver in respect of the suit properties. That prayer has been rejected by the City Civil Court and to that extent, the present Appeal is filed.

2. Perusal of the plaint would indicate that the properties are tenanted structures in possession of Plaintiff's father who passed away on 26 April 2000. The Plaintiff got married on 29 October 2006 and has been out of possession of the suit properties since then. Thus for the last 17 long years, the Plaintiff has not received any rent in respect of the suit properties. Considering this situation, the Plaintiff could not have sought any interim relief for appointment of Court Receiver or for claiming any share in the rent by way of interim relief in the suit filed in the year 2018. In my view, therefore the City Civil Court has correctly declined order for appointment of court receiver during pendency of the suit. I do not find any merit in the Appeal. The suit is pending since the year 2018 and is required to be taken up for trial so that the competing claims between three sisters and brothers with regard to the suit properties are decided in an expeditious manner. With the above observations, the Appeal is **disposed of**.

3. With disposal of the Appeal, the Interim Application taken out for appointment of Court Receiver does not survive. The same is disposed of as having become infructuous.

NEETA
SHAILESH
SAWANT

SANDEEP V. MARNE, J.