

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 330 OF 2024
IN
FIRST APPEAL NO. 1259 OF 2014

Mrs. Sumati Parshuram Tawde (deceased) And ...Applicants
Others

In the matter between:

Mrs. Purnima Vilas Tawade And Others ... Appellants

Versus

Mrs. Sumati Parshuram Tawde (deceased) And ...Respondents
Others

Mr.Hemant Ghadigaonkar a/w Sandesh More for the Applicants/ Ori.
Respondents.

Mrs. A.R.S. Baxi for Respondent/Original Appellants.

CORAM : M.M. SATHAYE, J.

DATE : 1st AUGUST, 2025

P.C. :

1. This is an application by original Plaintiff No.1(a) to 1(e) and Defendant Nos. 2 to 6 seeking direction to Appellants to render true and accurate account and disclose the suit property and its today's status including total earning received from the said estate from the date of decree. The application also seeks direction to the Appellants to deposit profit or income earned from the suit property and there is a further prayer of appointment of Court Receiver and expeditious hearing of the Appeal.

2. Admittedly, the appeal is arising out of decree of partition.

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Perusal of the operative part of the impugned Judgment shows that there is no decree of mesne profits.

3. Learned Counsel for the Original Appellants in appeal, Mrs. Baxi submits that the Applicants have option of putting the impugned decree to execution as there is no stay granted operating. She submits that no case is made out for appointment of Court Receiver and their prayers for disclosure of accounts about earning from the suit property as well as disclosure of today's status of property are nothing but roving inquiries during pendency of appeal, which the Applicants want to secure through the order of the Court.

4. Considering the fact that the decree is only for partition and the same is executable, the prayers about today's status of the property or earnings therefrom can be made in execution, if the decree is put to execution. From the averments in the application and reply, no case for appointment of Court Receiver is made out. In that view of the mater, **prayer clauses (a), (b) and (c) are rejected.**

5. However, considering that the appeal is pending from 2014 and litigation is arising out of suit filed in 1986, the hearing of the appeal is expedited. First Appeal be placed on the final hearing board as per its turn.

6. Interim Application is disposed of in above terms.

(M.M. SATHAYE, J.)