SMITA JOHNSON GONSALVES
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1717 OF 2021

Manoharlal Lachamandas Gaja And Ors … Petitioners

versus

Ravi Gulabrao Bhanase And Ors … Respondents

Mr Kedar Lad, for the petitioners, through VC.

CORAM: BHARATI DANGRE AND
R.N. LADDHA, JJ.
DATE: 8th JANUARY, 2026

P.C.:

1. The learned Counsel for the petitioners has marked his appearance through VC.

The writ petition filed by the petitioners seek further action to be taken by the Court Receiver, who was appointed by the order dated 21/6/2018 passed in Regular Civil Suit No.238/2012, on an Order below Exhibit-102, which was an application filed by the plaintiffs under Order 40 Rule 1 read with Section 151 of the Code of Civil Procedure.

The order reveals that, in order to protect the subject matter of the property, the Court deemed it appropriate to exercise its powers under Order 40 Rule 1 of CPC and appointed the Municipal Commissioner, Ulhasnagar Municipal Corporation, as the Court Receiver of the suit property till the disposal of the interim application, with certain ancillary directions being issued. By filing the present writ petition, the petitioners seek a direction that the Court Receiver so appointed to take appropriate action against respondent Nos. 1 to 5, and a further direction is sought to demolish the unauthorised and illegal structure of the respondents situated on the suit property.

2. We fail to appreciate how such a prayer is maintainable before us. Upon an application being filed for appointment of a Court Receiver by the plaintiff, the Court Receiver came to be appointed within the powers conferred upon him for preserving the suit property, its nature, and its status. Once the Court Receiver is appointed, the plaintiffs can certainly seek the discharge of his duties by preferring an application before the concerned Court which has appointed the Court Receiver. We, as a writ Court, are certainly not an executing Court for order passed by the civil Court.

3. For this reason, we find no merit in this petition and accordingly dismiss the same.

(R.N. LADDHA, J.) **(BHARATI DANGRE, J.)**