

R. Manoharan

Vs

Smt. D. Jayakumari and Others

Civil Appeal No. 970 of 1980

(A. P. Sen, R. S. Sarkaria, E. S. Venkataramian JJ)

09.12.1980

ORDER

1. After hearing learned counsel for the parties, we pass the following order :
2. By consent of the parties, in substitution of the orders of the Division Bench and the single Judge of the High Court :

(1) The respondents, i.e., the three defendants in this suit, are hereby appointed Receivers of the Theatre - 'Brighton Talkies' - entitled to act jointly for the period of the pendency of the suit in place of Shri B. Soundarapandian, Advocate on the same terms on which Shri B. Soundarapandian was appointed as Receiver by this Court as per its order dated May 2, 1980. The Receivers will be entitled to take charge of the theatre with all its equipments and accessories, run the theatre by exhibiting pictures, obtain the licence or permits that may be required for such exhibition, collect the rents and profits occurring from such exhibition of pictures and maintain and render weekly accounts of the receipts and expenditure, but they need not deposit the balance left with them of the income over the expenditure, excepting that in any case they shall be bound to deposit a sum of Rs. 2,500 per month in the trial Court till the disposal of the suit. The balance of amount with them shall be held by them subject to final orders of the trial Court.

(2) The receivers shall also take an inventory of the machinery and equipments belonging to the plaintiffs, if any, and the latter will be entitled to remove the whole or any part thereof, if they so desire, within one month from today.

(3) The defendant - Receivers shall also furnish bank guarantee in the sum of Rs. 40,000 to cover the plaintiffs' claim in the suit within four weeks from today to the satisfaction of the trial Court. The trial Court shall dispose of the suit on top-priority basis within six months from today. The bank account standing in the name of Shri B. Soundarapandian, former Receiver, shall be transferred to the credit of the defendants who shall hold that account as Receivers.

(4) The trial Court shall discharge Shri B. Soundarapandian, former Receiver, after he renders the accounts and after hearing the parties concerned.

(5) The defendant-Receivers shall be entitled to apply to the Commissioner for issue of a licence to run the theatre in their favour in their capacity as Receiver. Shri B.

Soundarapandian shall also hand over the possession of the theatre, all its equipment and accessories and also the records, accounts and licence to the Receivers within a week.

(6) The Receivers shall be entitled to seek further directions with regard to the running of the theatre under this interim order from the trial Court.

3. There will be no order as to costs. The appeal stands disposed of accordingly.

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