

Hindustan Petroleum Corporation Ltd.

Vs

Ram Chandra and Sons

Civil Appeal No. 4507 of 1990

(A.M. Ahmadi, K. Ramaswamy JJ)

15.01.1992

ORDER

1. By our order dated September 11, 1990, we had appointed the appellant-Corporation as a Receiver to run the business during the pendency of the suit in the trial Court. We had also directed that further directions, if any, may besought from the trial Court. Now, by this interim application, the appellant-Corporation desires to be relieved from the receivership and proposes that the retail outlet/ petrol pump in question may be permitted to be run through one of their dealers in Mathura. While we cannot impose receivership on the appellant-Corporation, when the Corporation seeks to be relieved thereof, we are not inclined to accept the suggestion of appointing one of their dealers in Mathura as a Receiver. We, therefore, put it to the learned Attorney General to state whether or not the appellant-Corporation is desirous of being relieved as a Receiver even if we are not inclined to accept the suggestion to appoint one of its existing dealers in Mathura in their place. The learned Attorney General stated that even in that situation, the appellant-Corporation desirous to be relieved of the receivership. We, therefore, order that the appellant-Corporation will be relieved from the receivership with effect from 31st January, 1992.

2. The next question is, who should be appointed the receiver in place of the appellant-Corporation. Mr. Hegde, learned counsel for respondent No. 2 stated that respondent No. 2 is willing to undertake the responsibility of running the outlet / petrol pump as a Receiver on the condition that he will give a guarantee for 10% of the net profits with a minimum of Rs. 3,000/-to the satisfaction of the trial Court and will also abide by all the conditions imposed by the order dated 11th September, 1990. In order to ensure that there is a check on the working of the outlet/ petrol pump by respondent No. 2, who is one of the contesting parties to the suit, we deem it proper to accept the suggestion of the learned Attorney General that an Advocate of, some experience may be appointed as a coreceiver at their cost irrespective of the result of the suit. We. therefore, direct that the trial Court will name an Advocate of experience to function as a co-receiver on a remuneration of Rs. 2,000/- p. m. This remuneration will be paid by the appellant-Corporation irrespective of the result of the suit. No further, direction is necessary. If any direction for day-to-day working of the outlet /petrol pump is considered necessary, the trial Court may be approached as per our order of September 11, 1990.

3. The I.A. will stand disposed of accordingly with no order as to costs. Order accordingly.

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