

SUPREME COURT OF INDIA

Mahendra H. Patel

Vs.

Ram Narayan Singh

C.A.No.9205 of 1995

(S. Saghir Ahmad and Doraiswamy Raju, JJ.)

02.03.2000

ORDER

1. This appeal is directed against the order dated 7-2-1995 by which the High Court appointed a Receiver in respect of the property in suit.

2. It will be noticed that the trial Court as also the lower appellate Court rejected the applications of the respondent for further interim relief during the pendency of R.A.D. Suit No. 579 of 1994 as the trial Court as also the lower appellate Court did not deem it fit to pass any further interim order and consequently the applications were dismissed on merits.

3. In our opinion, it was not open to the High Court in a writ petition against that order to appoint a Receiver in respect of the property in question under Order 40, Rule 1, C.P.C. particularly when none of the parties had asked for it. The power to appoint a Receiversuo motucannot be exercised in the manner in which it was exercised by the High Court.

4. Without expressing any opinion on the merits of the matter, we allow this appeal, set aside the order dated 7-2-1995 passed by the Bombay High Court and direct that hearing of the Suit No. 579/1994 shall be expedited.

Appeal allowed.