

SUPREME COURT OF INDIA

Kasturi Bai

Vs.

Anguri Chaudhary

C.A.No.1466 of 2001

(D.P. Mohapatra and S.N. Variava JJ.)

23.02.2001

JUDGMENT

1. Leave granted.

2. The defendant in the civil suit No.2-A of 1993 of the Court of Additional District Judge, Shahdol, has filed this appeal assailing the order passed by the Madhya Pradesh High Court on 20th June, 2000 in miscellaneous appeal No.1191 of 1998. In the said order the High Court ordered appointment of a Receiver to be in charge of the suit properties with other consequential directions. The relevant portion of the order reads as follows:

“As a result of the aforesaid discussion, this appeal succeeds and is allowed. The impugned order dated 14.8.1998 is hereby set aside. The Trial Court is directed to require both the parties to suggest an agreed name of a person within fifteen days from the receipt of the record and a copy of this order, for his appointment as a receiver in the case. In case, they fail to do so, within the time fixed by the Trial Court, the Trial Court shall be free to appoint a person of integrity as the receiver of the suit property, who is well conversant with the legal procedures and is capable of maintaining true and honest accounts of the suit property during the pendency of the suit. The said appointment of the receiver shall be made initially for a period of two years and it shall be extended by the Trial Court on an application being filed by the receiver or the appellant, in case, by that time the civil suit remains pending before it. The trial court is further directed that it shall, after the appointment of the receiver, try to dispose of the Civil Suit within a period of one year from the date of receipt of copy of this order. The Trial Court shall, from time to time, call for the accounts from the receiver so appointed and supervise his work and in case, the work or accounts of the receiver is found unsatisfactory by the Trial Court, it shall be free to appoint a new receiver.”

3. The respondent herein filed the aforementioned suit impleading the appellants herein as defendants. The plaintiff prayed for a decree for partition and separate possession of the suit properties. The suit properties are structures in occupation of tenants.

rent which is incorrect and misleading. Referring to the statement submitted by the receiver on 14.8.2000 the learned counsel pointed out that only a sum of Rs.6,800/- was the collection during the month of July.

10. In such circumstances the High Court erred in ordering appointment of a receiver on monthly remuneration of Rs.10,000/-. In reply to the said contention learned counsel for the respondent fairly stated that Rs.25,000/- per month is an exaggerated figure. He submitted that the receiver has voluntarily fixed a sum of Rs.1,000/- per month as his remuneration and has been drawing such amount after taking charge of the suit properties.

11. On consideration of the matter we are of the view that the order of appointment of a receiver does not call for interference. The order under challenge is modified only to the extent that the receiver shall receive a sum of Rs.1,000/- per month instead of Rs.10,000/- as his remuneration. Since hearing of the suit has already commenced the trial court shall dispose of the same expeditiously hearing it from day to day. The appeal is disposed of on the above terms. No cost.