

Orders on IA No.9 U/O 40 Rule 1 of CPC

The respondents No.1 to 3 have filed this application U/O 40 Rule 1 of CPC and sought to discharge the receiver.

2. The respondent No.1 has sworn to an affidavit in support of IA and stated that this court appointed the receiver to carry out agriculture operations in the suit land with the help of labours. These respondents are cultivating the land since long time and they invested money and now the land is ready for harvesting. But the receiver and the care takers are not ready to harvest the standing crops in the suit land. The receiver is not having interest to work as receiver as per order of this court. Hence, prays to allow the I.A.

3. The petitioners have filed objections IA and contended that the order passed U/O 40 rule 1 of CPC is appealable U/O 43 Rule 1(s) of CPC. Therefore, this application is not maintainable. Hence, prays to dismiss the I.A.

4. The order sheet reveals that this court by its orders on merits passed on 16.08.2025 appointed the receiver to take possession of the suit land and to carry out agriculture operations. Sri.N.M. Advocate was appointed as care taker. Thereafter at the instance of the receiver one Mitti advocate has appointed to help receiver and also two person were appointed as care takers. The receiver has submitted that when they went to the suit land for harvesting the respondents threatening them and they are ready for harvesting. In

the meanwhile the respondent have filed this application. As contended by learned counsel for the petitioners order 43 Rule 1(s) states that against the order passed U/O 40 rule 1 or 4 an appeal shall lie. Therefore, if the respondents are aggrieved by the order of this court appointing the receiver it is open for them to prefer appeal. But they cannot seek discharge of the receiver. Hence, the following;

ORDER

The application filed by the respondents No.1 to3 U/O 40 Rule 1 of CPC is hereby dismissed.

Senior Civil Judge & JMFC, Sedam.

For enquiry by respondent No.7 finally.
Call o 28.02.2026.

Senior Civil Judge & JMFC, Sedam.