

R.C.S.NO. 218/2020**APPOINTMENT COURT RECEIVER ORDER BELOW EXH. 40**

1. This is an application filed by plaintiff for appointment of receiver.

Contention of Plaintiff -

2. It is the contention of plaintiff that he has filed present suit for perpetual injunction. Hon'ble court has pleased to allow the temporary injunction application below Exh.5 but defendant is intentionally interfering into the possession of plaintiff and thereby damaging the crops. Further, defendants are discussing about stealing the crops and thus plaintiff will suffer loss. Moreover, plaintiff has invested in the suit property. Therefore, plaintiff filed complaint at Sonai Police Station on 20/11/2025 seeking police aid because defendant threatened plaintiff to interfere into suit property. Defendant is about to carry away the crops. Therefore plaintiff will suffer loss. Therefore, plaintiff prayed for appointment of court receiver for cutting wheat and bengal gram crops and thereby selling it as per market value and depositing the same amount into the court. If the receiver is appointed, rights of plaintiff and defendant will be secured. Therefore, plaintiff prayed for appointment of court receiver.

3. Defendant filed his say below Exh.31 and denied all the adverse allegations. Further, he stated that plaintiff did not mention the four boundaries of 0.82 R land in the plaint intentionally. Therefore, suit property will not be identified. Further 7/12 extract of the suit property does not disclose the entry of wheat and bengal gram crops in the cultivation column. On the contrary, defendant has cultivated the same.

Further, plaintiff is trying to take possession of 0.82 R land. Moreover, the crops cultivated by defendant is not ripened till this date. For creating evidence, plaintiff has filed present application. Therefore, defendant prayed for rejecting the application.

4. Heard both parties. Gone through record. On perusal of record it appears that the temporary injunction application below Exh.5 is allowed in favour of plaintiff. Further there appears to be a dispute between plaintiff and defendant about the cultivation. Moreover, the documents filed by plaintiff on record show that there is a bengal gram, wheat crop in the suit property. Further, as per order XL clause (1)(d) court receiver can be appointed for collection of rent and profit. In the present application, plaintiff is requesting for appointment of receiver for cutting and selling the crop as per market rate. Thus, plaintiff is requesting for appointment of court receiver for collection of profit. Under such circumstances if court receiver is appointed, no party will suffer loss. But, if court receiver is not appointed then plaintiff will suffer loss. Under such circumstances, I am of the view that appointment of court receiver would be just and proper. Hence I pass following order -

ORDER

- 1) The application is allowed.
- 2) Court receiver be appointed for cutting crops of Bengal gram and wheat crop standing in 0 H 82 R land out of 1 H 63 R bearing gut no. 189/2/A situated at Amalner, Tq-Newasa and to sell it as per market rate.
- 3) The court receiver is directed to deposit the said

amount into the court.

- 4) The cutting and selling of above mentioned crops be done in presence of both the parties and their respective counsel.
- 5) Plaintiff is directed to pay necessary fee of court receiver as per rule within next 8 days from today.
- 6) Both parties are directed to file joint pursis suggesting name of court receiver.

(Smt.Dr. P. R. Sugaonkar)

Jt. Civil Judge (Jr.Divn.), Newasa

Tal.Newasa, Dist.Ahmednagar.

Date : 09/03/2026