

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

MA No. 77/2025
CAV No. 2785/2025

Janak Raj

.....Appellant(s)/Petitioner(s)

Through: Mr. L. K. Sharma, Sr. Advocate with
Mr. Mohit Kumar, Advocate

vs

Sukhdev Singh

..... Respondent(s)

Through: Mr. Bhanu Pratap Singh, Advocate

CORAM: HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER

27.07.2026

1. The appellant is aggrieved by the impugned order passed by the Court of the 1st Additional District Judge, Jammu (hereinafter referred to as "the trial Court"), whereby the application filed by the petitioner/plaintiff under Order XL Rule 1 of the Code of Civil Procedure seeking appointment of a receiver came to be dismissed. It is the specific case of the petitioner that the suit has been instituted for dissolution of the partnership firm, *M/s Mahalakshmi Palace*, Deoli, Tehsil Bishnah, District Jammu, and for rendition of accounts with effect from 01.01.2021. It is contended that the trial Court failed to appreciate the controversy involved in its proper perspective. The said contention has been vehemently opposed by the respondent, who submits that the suit itself is not maintainable, as the plaintiff/petitioner has failed to produce even a single document establishing that he was a partner of *M/s Mahalakshmi Palace* (now *Lakshmi Palace*), Deoli, Tehsil Bishnah, District Jammu.

2. During the course of hearing, learned counsel appearing for both parties fairly conceded that the accounts of the partnership up to 31.12.2020 stand settled. The dispute now survives only in respect of the accounts maintained with effect from 01.01.2021, which are the subject matter of the present suit.

3. Upon consideration of the matter, this Court finds no infirmity in the conclusion reached by the trial Court insofar as it declined to appoint a receiver under Order XL Rule 1 CPC. The appointment of a receiver being an equitable and extraordinary remedy, the facts and circumstances of the present case do not warrant interference with the discretion exercised by the trial Court on that aspect.

4. However, it is equally evident that the petitioner had also sought a prohibitory injunction restraining the respondent from altering the nature and user of the partnership business and the properties connected therewith. In such circumstances, and in order to safeguard the subject matter of the suit pending its adjudication, the trial Court ought to have directed the respondent/defendant to maintain proper books and statements of account and to place the same before the Court periodically. When this aspect was put to the learned counsel for the respondent, no satisfactory response was forthcoming.

5. Having heard learned counsel for the parties and considered the submissions advanced, the impugned order is affirmed insofar as it dismisses the application for appointment of a receiver. However, the order is modified to the extent that the respondent/defendant shall maintain proper statements of account relating to the partnership business and shall file the same before the trial Court at the end of every quarter during the pendency of the suit. The trial Court shall keep such statements on record so as to ensure due protection of the subject matter of the lis and facilitate effective adjudication of the claim for rendition of accounts.

6. The appeal is, accordingly, ***disposed of*** in the aforesaid terms. No further directions are called for.

(Sanjay Parihar)
Judge

Jammu
27.07.2026
Diksha

