

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 15052/2024

Asan Srinath Ji Mandir Trust, Through Its Trustee Secretary Mahant Laxmannath, Son Of Shri Jagdishnath, Aged About 40 Years, Trust Head Office Asan Srinath Ji Mandir, Village Kukarkheda, Tehsil Bhim, District Rajsamand.

----Petitioner

Versus

1. Asan Srinath Nirmalapeer Ji Maharaj Vikas Seva Sansthan, Saran, Through- 1/1 President, Bakhtavarvan, Son Of Shri Binjaram, At Present Resident Of Village Saran, Tehsil Marwar Junction, District Pali. 1/2- Secretary, Jeevan Singh, Son Of Shri Laxman Singh, Resident Of Village Telpura, Post Borimada, Tehsil Marwar Junction, District Pali. 1/3. Treasurer, Manak Singh, Son Of Shri Ram Singh, Resident Of Village Saran Via Ranawas, Tehsil Marwar Junction, District Pali. 1/4. Voice Secretary, Smt. Anjana Rawat, Wife Of Shri Madan Singh, Resident Of Village Saran, Via Ranawas, Tehsil Marwar Junction, District Pali. 1/5. Direct Member, Gajendra Singh, Son Of Shri Koop Singh, Resident Of Bera Kekiya, Village Saran, Via Ranawas, Tehsil Marwar Junction, District Pali.
2. The Registrar Of Societies, Through Deputy Registrar, Cooperative Societies And Registrar Societies, Pali.
3. The Rajasthan Marudhara Gramin Bank, Branch Siriyari, Tehsil Marwar Junction, District Pali, Through Its Branch Manager.

----Respondents

For Petitioner(s)	:	Mr. Surendra Singh Choudhary
For Respondent(s)	:	-

HON'BLE MR. JUSTICE FARJAND ALI

Order

02/07/2026

1. By way of filing instant civil writ petition, the petitioner has made challenge to the order dated 03.04.2024 passed by learned Addl. District Judge, Pali whereby the application moved at the instance of the petition under Order 40 read with 151 of CPC has been dismissed.
2. Succinctly stated facts of the case are that the petitioner filed a suit for property and mandatory injunction, declaration and cancellation of registration certificate in favour of the respondent defendant. Along side the suit, an application under Order 40 read with Section 151 of CPC seeking appointment of receiver was also moved and vide impugned order learned trial court rejected the prayer.
3. I have heard learned counsel for the parties and gone through order under challenge which has been made after due application of mind and due deliberation of facts and legal situation. It is trite law that appointment of receiver pending a suit completely rests upon the discretion of the Court and of course such a discretion has to be exercised judicially after calibration and due deliberation of facts and circumstances of the case. Ordinarily, Court appoints a receiver where the plaintiff prima facie succeeds in establishing a very excellent chance of success in the suit. Besides availability of strong prima facie case, it is also imperative for the plaintiff to show a case of adverse and conflicting claim over the property and he has to show some emergency or danger or loss of the property awarding immediate intervention of the Court just to avoid rights of the party and just to thwart any possibility of change situation of the property and the evidence. The right so urged must be established clearly and

free from doubt and of course the element of imminent danger should be important and vital consideration for adjudication of an application for appointment of receiver under Order 40 read with Section 151 of CPC.

4. After going through the order under challenge, this Court feels that due application of mind has been made by learned trial court and observance in this regard are duly made in the order under challenge, therefore, I feel no compelling circumstance to invoke extraordinary jurisdiction of superintendence under Article 227 of Constitution of India and this Court consciously refraining and desisting itself from sitting as an appellate authority. Thus, viewing from any angle, I see no reason to interfere in the matter, accordingly the instant civil writ petition is dismissed.

5. Learned trial court is expected to decide the original suit expeditiously as possible preferably within 12 months after receipt of copy of this order.

6. Pending applications, if any, are also disposed of.

(FARJAND ALI),J