

Rakesh Kumar Jindal and anr. Vs. Ashok Kumar Jindal and ors.

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Court : Kolkata

Decided On : Aug-03-2010

Judge : I . P. Mukerji, J.

Appeal No. : AP No.392 of 2010

Appellant : Rakesh Kumar Jindal and anr.

Respondent : Ashok Kumar Jindal and ors.

Advocate for Pet/Ap. : Mr. Utpol Bose ; Mr. A.K. Chaubey, Advs.

Judgement :

The Court: This application is admitted. The following direction for filing of affidavits is made: Affidavit in opposition to be filed by 24th of August, 2010. List this application fairly at the top in the monthly list of September, 2010.

Affidavit in reply may be filed in the meantime. Mr. Bose learned Advocate for the petitioner submits that the Joint Receivers are acting further to the order of the Honble Court of appeal dated 24th of April, 2008.

There is no allegation against the joint Receivers. But, Mr. Bose expresses an apprehension that since they are agents of the parties as their Advocates on Record they are under their influence, and at times pressure. Therefore, if an independent Receiver from the Bar is appointed, it would be more beneficial. This is accepted by the other parties.

Therefore, as an interim order at the moment I discharge the Joint Receivers. I appoint Mr. Anil Gupta, Advocate and member of the Bar Library Club, as sole Receiver on the same terms and conditions as in the order dated 24th April, 2008.

He will be paid a monthly remuneration of 300 GMs, which he may appropriate from the income of the estate. It is also noted that the monthly remuneration is not commensurate with the standing of the Receiver. But such remuneration has to be granted because the income of the estate is not sufficient. If there is any short fall in the income of the estate to meet such remuneration, the parties will bear the deficit in equal shares.

The outgoing Receiver will hand over all records and information to the incoming Receiver. The incoming Receiver will open a new bank account with the assistance of the parties.

All parties concerned are to act on a signed photocopy of this order on the usual undertakings.

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