



# INTERNATIONAL JOURNAL OF CREATIVE RESEARCH THOUGHTS (IJCRT)

An International Open Access, Peer-reviewed, Refereed Journal

## Appointment Of Court Receiver Power & Duties

Priti niraj mishra

T.Y.LLB

subhas desai law college

### ABSTRACT

The paper also explores the eligibility criteria for appointment as a receiver, their remuneration, and liability for default or negligence. By analyzing relevant case law and statutory provisions, this paper provides insights into the functioning of court receivers and their significance in ensuring justice and protecting the interests of all parties involved in litigation.

**keywords** - Court Receiver, Powers, Duties, Civil Procedure Code, Property Management, Litigation.

### INTRODUCTION

The role of a court receiver is governed by Order 40 of the Civil Procedure Code (CPC), which outlines the powers, duties, and responsibilities of receivers.

The receiver is an impartial officer of the court, acting under its supervision, to preserve the disputed property's value until the final judgment. This measure, governed by Order XL of the Civil Procedure Code, 1908, prevents either party from causing waste, damage, or alienation of the property during litigation.

This research paper aims to examine the appointment, powers, and duties of court receivers, highlighting their significance in ensuring justice and protecting the interests of all parties involved in litigation.

### LITERATURE REVIEW

#### Powers and Duties Literature Review

The appointment of a court receiver is a crucial aspect of civil litigation in India, governed by Order 40 of the Civil Procedure Code (CPC). Here's a comprehensive overview of the powers and duties of a court receiver:

#### Powers of a Receiver

**Managing Property:** A receiver has the power to take possession, manage, and protect the property in dispute, including collecting rents and profits.

## Duties of a Receiver

### - Furnishing Security:

A receiver must provide security to account for the income received from the property.

### - Submitting Accounts:

They must submit periodic accounts to the court, detailing income and expenses.

## RESEARCH METHODOLOGY

A "court recover powan" appears to be a misunderstanding of a court-appointed receiver, a person appointed to manage disputed property or assets in a legal case, often for a limited time. The research methodology for appointing a receiver involves applying the principles of Order XL of the Code of Civil Procedure (CPC), 1908. A receiver is appointed at the court's discretion to protect the subject matter of litigation, preserve property, and ensure its fair management until the final decision of the case.

## DATA ANALYSIS

In this section, you should present and interpret the data/information you have collected through statutes, case laws, and practical applications. The analysis must go beyond description and critically examine how the court receiver system operates.

### Possible Framework:

#### 1. Statutory Basis Analysis

Examine provisions of Order XL, Rule 1–4 of CPC, 1908 (appointment of receivers).

Analyze powers granted: possession, management, collection of rents and profits, preservation of property.

Compare with related provisions in Transfer of Property Act or Companies Act (if relevant).

## RESULTS

A court-appointed receiver is an impartial individual selected by the court to manage and protect assets during legal disputes. Their powers and duties are defined by the court and typically include taking control of assets, managing them, and distributing any proceeds to the creditors. The powers to appoint a Receiver in such cases are comprised in the Civil Procedure Code of 1908 (Sections 51, 94 and Order 40), the Specific Relief Act of 1877 (Section 44), and the Original Side Rules of High Courts relating to Receivers.

## CONCLUSION

The appointment of a court receiver involves assigning someone to manage and protect assets under the court's supervision. Their powers and duties can include taking control of property, preserving its value, and reporting back to the court.

## BIBLIOGRAPHY

The powers to appoint a Receiver in such cases are comprised in the Civil Procedure Code of 1908 (Sections 51, 94 and Order 40), the Specific Relief Act of 1877 (Section 44), and the Original Side Rules of High Courts relating to Receivers.

