

Ladda

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 1624 of 2015

M/s Jay Vijay Picture Palace & Ors ..Petitioners.

Vs

Mayani Urban Co-op. Bank Ltd & Ors ..Respondents.

Mr Bharat Gadhani, Senior Counsel i/by Tejesh Dande & Asso. for the petitioners.

Mr Milind Sathe, Senior Counsel i/by Ravi Kadam, Senior Counsel for Respondent Nos. 5 (a) to 5 (d).

**CORAM : V.M.KANADE &
A.R. JOSHI, JJ.**

DATE : 17th FEBRUARY, 2015.

P.C.

1) By this petition which is filed under Article 226 of the Constitution of India, the petitioners are seeking appropriate writ, order and direction directing the expeditious hearing of the Appeal No.215 of 2010 pending before the Debt Recovery Appellate Tribunal, Mumbai (for short DRAT). It is prayed that during the pendency of the appeal the respondent No.5 may be directed to stop demolition in respect of the suit property mainly cinema

theatre by name “Jay Vijay Picture Palace”.

2) The learned counsel appearing for the respondent submits that demolition has been already completed. Hence, question of grant of order of injunction in respect of this property does not arise. In our view, when the property is already demolished, which can be seen from the photograph shown by the learned counsel appearing for the respondent, at this stage, question of grant of ad-interim relief does not arise.

3) Hearing of the appeal pending before the DRAT is, however, expedited and the appeal shall be disposed of as expeditiously as possible. The petitioners are at liberty to make an application to the DRAT for interim relief. If the application is filed, the same shall be considered and disposed of on its own merits in accordance with law.

4) Writ petition is disposed of in the above terms.

(A.R. JOSHI, J)

(V.M.KANADE,J)