

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10529 OF 2013**

M/s New India Co-operative Bank Ltd.

..Petitioner

Vs.

M/s Klastar Hospitalities Pvt Ltd. & Ors.

..Respondents

**Mr. Vatsal Shah i/b Mr/ Nitin Mulye for the Petitioner
Mr. P. M. Arjunwadkar for the Respondent No.3**

**CORAM : R. M. SAVANT, J.
DATE : 5th AUGUST, 2015**

P.C.

1 The above Petition arises out of an order passed by the Executing Court i.e. the Court of the Learned Civil Judge Senior Division, Pune. The Learned Counsel for the Petitioner states that the property in question has already been auctioned pursuant to the auction taken under the SARFEASI Act. The said auction is now a subject matter of proceedings before the Debt Recovery Tribunal (DRT) Pune. In view of the auction having already taken place and the proceedings being pending before the DRT, Pune, The Learned Counsel for the Petitioner Mr. Shah seeks withdrawal of the above Petition with liberty to renew the challenge if the occasion so arises after the decision is rendered by the DRT Pune in the pending proceedings. The Petition is accordingly allowed to be withdrawn with liberty as prayed for.

[R.M.SAVANT, J]