

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5188 OF 2015**

International Asset Reconstruction
Company Private Limited Petitioner

V/s

State of Maharashtra & Anr. Respondents.

Mr. Sanjay Anabhawane with Ms. Medha Rane for the
Petitioner.

Mr. Vikas Mali for Respondent No.1/State

**CORAM: V.M. KANADE &
B.P. COLABAWALLA, JJ.**

DATE : 1st July, 2015

P.C.:-

1. Grievance of the Petitioner is that though the Petitioner had filed an application for being substituted as applicant in place of the original applicant on account of agreement of assignment dated 28/3/2014 executed between the original applicant and the Petitioner herein, the said application has been rejected by the learned Chief Metropolitan Magistrate.

2. We have perused the impugned order. The only reason given by the learned Magistrate is that since the application under section 14 was already disposed of, he was not in a position to amend the order.

3. In our view, since there is no dispute that the Petitioner has been assigned the debt by virtue of the agreement dated 28/3/2014, Petitioner is entitled to be substituted as applicant in place of the original applicant. The impugned order is therefore set aside. The learned Magistrate is directed to pass the order of substitution and substitute the name of the Petitioner in place of the original applicant viz Dena Bank so that the said order can be executed.

4. Petition is disposed of in the aforesaid terms.

5. Parties to act on the copy of this order duly authenticated by the Registry of this Court.

(B.P. COLABAWALLA, J.)

(V.M. KANADE, J.)