

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 10750 OF 2012

M/s. Navalakha Agencies & anr.	...	Petitioners
V/s.		
Indian Bank, Pune & ors.	...	Respondents

Mr. G.S. Godbole, Sr. Counsel i/b. Mr. S.S. Kanetkar for the petitioners.
Ms. Rathina Maravarman for respondents 1 and 2.

**CORAM : NARESH H. PATIL AND
S.B. SHUKRE, JJ.**

24th July, 2015.

P.C.

Heard learned Senior Counsel appearing for the petitioner and Counsel appearing for respondent Indian Bank, Pune.

2. The learned Counsel appearing for the appellant has placed on record a photostat copy of order passed by DRAT, Mumbai on 23rd June, 2014 in Appeal No. 136/2004.

3. It is submitted that the matter has been remanded back to Debt Recovery Tribunal, Pune after setting aside the order dated 7th October, 2003 passed by the Presiding Officer, DRT, Pune.

4. The Counsel appearing for the bank submits that in view of the remand order passed by the DRAT, this petition is disposed of as

infructuous.

5. In the present petition the petitioner herein had challenged the order passed by Debt Recovery Appellate Tribunal, Mumbai on 28th September, 2012. Petitioner had filed an appeal under Section 18 before the DRAT challenging the action taken by the Indian Bank under Section 13(4) of the SARFAESI Act.

6. In view of the order of remand passed by the DRAT in Appeal No. 136/2004 the writ petition could be disposed of. Learned Counsel appearing for the petitioner submits that in case of further change in circumstance the petitioner be granted liberty to revive the petition. The petition stands disposed of with liberty to the petitioners to apply for revival of the petition. The said application, if filed, will be considered and dealt with in accordance with law and merits of matter after hearing the contesting parties. It is clarified that we have not expressed any opinion on merits. All issues on merits are kept open.

7. The parties shall maintain status-quo in respect of subject property till the DRAT, Pune finally decides the Original Application No. 792P/2001.

(S.B. SHUKRE, J.)

(NARESH H. PATIL, J.)

L.S. Panjwani, P.S.