

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 343 OF 2014**

Mrs. Vaishali Purnchand Rajput & Ors.	...Petitioners
<i>Versus</i>	
M/s. Pritam Wines & Ors.	...Respondents

Mr. Mahesh Menon, i/b Mahesh Menon & Co., for the Petitioner.
Ms. Pooja Patil and Mr. Phiroz Merchant i/b Sanjana Ghogare for
the Respondent Nos. 1 to 4.
Mr. D. Y. Wani for the Respondent No. 5.

**CORAM: A. S. OKA & G.S. PATEL, JJ.
DATED: 10th December 2015**

PC:-

1. Heard the learned counsel appearing for the Petitioners and the learned counsel appearing for Respondent Nos. 1 to 4. We have also heard the learned counsel appearing for the 5th Respondent. The learned counsel appearing for the Petitioners, on instructions, states that out of the two substantive prayers (a) and (b), he is pressing only prayer clause (a). He seeks leave to file appropriate proceedings as far as prayer clause (b) is concerned.

2. The learned counsel appearing for the Respondent Nos. 1 to 4, on instructions, states that without prejudice to the rights and

contentions of the Respondents, they have no objection if the Petitioners are impleaded as parties to S.A. No. 303 of 2010 as per the order dated 21st March 2013 passed by the learned Presiding Officer of the Debt Recovery Tribunal. She submits that all contentions raised by the Respondent Nos. 1 to 4 be kept open. We accept the said statements.

3. In view of the aforesaid statements, the impugned order will not survive. Accordingly, we dispose of the Petition by passing the following order:

- (a) Appropriate remedies of the Petitioners for seeking relief in terms of prayer clause (b) to the Petition are kept open;
- (b) The impugned order dated 22nd October 2013 passed by the Debts Recovery Appellate Tribunal in Miscellaneous Appeal No. 153 of 2013 is hereby quashed and set aside and the order dated 21st March 2013 passed by the learned Presiding Officer of the Debts Recovery Tribunal-3, Mumbai below Exhibit 16 in S.A. No. 303 of 2010 is restored;
- (c) All contentions of the parties on merits are kept open;
- (d) The Petition is accordingly partly allowed on above terms.

(G. S. PATEL, J.)

(A. S. OKA, J.)