

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11120 OF 2016

The Cosmos Co-operative Bank Ltd.
Through Officer, Mr.Vijaykumar D. Patil .. Petitioner

vs.

M/s.Rosary Education Group and Ors. .. Respondents

Mr.Joel J. Carlous for the petitioner

Mr.Sachin Kankal, A.G.P for the respondent no.6A

Mr.Nilesh C. Ojha with Mr.Nitin Pagare with Ms.Reshma Kudalkar with
Ms.Asmita Misale with Mr.Poonam Shinde for the respondent nos.1 and
6

CORAM : K. K. TATED, J.
DATE : OCTOBER 19, 2016

PC.:

1 Heard the learned counsel for the parties.

2 By this petition under Article 227 of the Constitution of India, the Petitioner challenges the order dated 22.6.2016 passed by learned Magistrate in Rectification Application No.____ of 2016 on order passed on 16.3.2016 granting ad-interim stay from taking possession of the suit property.

3 The learned Senior Counsel for the petitioner argued this matter

yesterday. At the request of advocate for respondent, matter was posted today for hearing. Yesterday, advocate for respondent filed written arguments along with authorities. Same was recorded in yesterday's order.

4 Yesterday, the learned Senior Counsel for the petitioner after arguing the matter for some time made a statement that petitioners are not pressing the Writ Petition, they seek direction to the learned Magistrate to pass order on the rectification application as early as possible, as arguments were over of both the sides on 30.7.2016 and matter was closed for orders.

5 Today the learned counsel for the respondent submits that unless and until 90 days are over from the date of closing the matter for orders, petitioner have no right to file such type of petition and or make prayer to that effect. He further submits that the petitioner has made several incorrect statements in the present Writ Petition and suppressed the material facts. On that ground present Writ Petition is liable to be dismissed.

6 I have heard both the sides at length. It is to be noted that in the present proceedings, petitioner is not claiming any relief as the arguments of both the parties was over before the learned Magistrate and matter was closed for orders on 30.7.2016. Considering these facts, following order is passed:

- a) Learned District Magistrate, Pune is directed to decide the rectification application no. __ of 2016 on order passed on 16.3.2016 in Securitisation Application No.SR/314/2015 as

early as possible.

b) With this direction, Writ Petition stands disposed of.

7 The learned counsel for the respondent makes oral application to take action against the petitioner under section 340 of the Criminal Procedure Code. Oral application is rejected. If respondent wants to take any action, they should make appropriate application. That will be decided on its own merits.

8 Liberty granted to the petitioner to file affidavit of service within one week from today.

JUDGE