

Dond

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13590 OF 2016

Kapil Ramakant Pandya

..Petitioner

Vs.

District Magistrate & Ors.

..Respondents

Mr. Rajesh Kanojia i/b Res Juris for Petitioner.

Mr. V.N. Sagare, AGP for State.

**CORAM: ANOOP V. MOHTA AND
A.S. GADKARI, JJ.**

DATE: 15 DECEMBER 2016

ORDER:

1 The learned Counsel appearing for the Petitioner, on instructions, makes a statement based upon the document placed on record that inspite of repeated representations by the borrower as well as by the Petitioner-tenant, the Respondent-Bank is not taking steps for accepting the amount towards the liability since year 2006 and as of today the amount due and payable as claimed by the Bank is about Rs.17,43,000/.

2 Without going into the controversy and in view of the fact that

the Respondent though served and affidavit to that effect is on record, none appeared for them, we are inclined to dispose of the present petition with liberty to the Petitioner to move the Debt Recovery Tribunal in view of the provisions of Section 17 and make appropriate application for relief, if any with regard to tenant's right who was already dispossessed. However, the right of re-possession, if any, may be agitated by the authority in accordance with law.

3 Taking over all view of the matter, at this stage, we are inclined to observe that the sale/auction which is already declared to continue, but the bids so received should not be opened for a period of one week from today so as to enable the Petitioner to take appropriate Orders from the authorities.

4 The Debt Recovery Tribunal to pass necessary Order uninfluenced by the aforesaid observations in accordance with law, if such application is filed by the Petitioner within one week from today.

5 Writ Petition is disposed of with liberty.

6 All the parties to act on a copy of this Order duly authenticated by the Registry of this Court.

(A.S. GADKARI,J.)

(ANOOP V. MOHTA, J.)