

Nalawade

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION No.1781 OF 2016
WITH
WRIT PETITION (L) NO.1819 OF 2016.

Dena Bank. ..Petitioner.
vs.
The Official Liquidator and ors. ...Respondents.

Mr.A.R. Bamne for the Petitioner.
Mr. Nitin Thakkar, Senior Counsel with Mr.Shankar Mhatre i/by
G.S.Manasawala for Respondent Nos. 2 and 3.
Mr. Rohit Gupta, Counsel i/by Mr. Swapan Samdhani for
Respondent No.6.

CORAM : ANOOP V. MOHTA &
A.S. GADKARI, JJ.

DATE : 28th November, 2016

ORDER:

On hearing the counsel for the parties we are inclined to dispose of the writ petitions as impugned order dated 5.1.2016 passed by DRAT in Misc. Appeal No.331/2015 is only directing the appellant to join respondent Nos. 5 and 6 (Smt. Bharatidevi Bhogilal and Smt.Chamundershwari Bhogilal) being the assignee in view of the undisputed deed of assignment.

2) The submission is made by the learned counsel appearing for the Dena Bank (Petitioner in WP No.1781/2016) that in connected matter i.e. M.A.No.924 of 2014 in Misc. Appeal NO.164/2012 (Smt. Bharatidevi P Bhogilal and anr.) application for joining respondent company Wood Papers Ltd. who is assignee of the the Indian Bank as a party respondent No.5 to the appeal by wrongly recording that other side has no

objection though the petitioner bank has objected in reply.

3) Taking over all view of the matter and even considering the submissions made by the bank in the present case there is no dispute about the assignment which is recorded in the order. Therefore, for a proper adjudication of the matter joining of respondent read with transposition order in no way can be stated to be bad in law or contrary to any provisions of law. For proper adjudication, it is necessary that all the concerned persons are required to be added in the proceedings. We see no case made out to interfere with the order. As both these matters are inter-connected therefore this common order.

However, we are inclined to observe that the contentions of all the parties are kept open.

4) Both the petitions are disposed off. No costs.

(A.S.GADKARI, J.)

(ANOOP V. MOHTA, J.)