

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CIVIL APPELLATE JURISDICTION
WRIT PETITION (L) NO. 2880 OF 2016**

Shri. Jitendra Chadha .. Petitioner
V/s.
The Punjab & Sind Bank and ors. .. Respondents.

Mr. Mathew Nedumpara a/w. R.R. Nair for the Petitioner.
Mr. O.A. Das for Respondent No.1.
Mr. M.S. Bhardwaj, Respondent No.6 in person.

**CORAM: DR. MANJULA CHELLUR, C.J. &
M.S.SONAK, J.
DATE : 30 NOVEMBER 2016.**

P.C.

1] Heard learned counsel for the petitioner.

2] Though we raise the preliminary objection of maintainability of the present petition, learned counsel appearing for the petitioner seems to be deviating his arguments by trying to draw the attention of the Court, which has nothing to do with the prayers. On 22nd August 2016, a detailed order came to be passed in Writ Petition No. 9432 of 2016 and the present petition is filed seeking prayers as under, i.e., to declare the order dated 22nd August 2016 as *void ab initio*:

“(a) declare that the order dated 22nd August, 2016 passed by it in Writ Petition No. 9432 of 2016 is one rendered void ab initio inasmuch as the said order was passed without serving a copy of the said Writ Petition

on the Petitioner, without hearing him, without affording him an opportunity to engage a lawyer of his choice, and without any advocate filing a vakalatnama, but merely because Respondent No.7 caused a notice on the office of Shri Mathews J. Nedumpara, Advocate, on the false premise that Shri. Nedumpara is the attorney of the Petitioner and service of notice in his office even in cases where he has not been engaged would amount to due service in the eyes of law;

(b) declare that the learned Presiding Officers of Debts Recovery Tribunals I, II and III, Mumbai, and in particular Debts Recovery Tribunal-II before whom O.A. No.1008 of 2015 is pending, are free either to recuse themselves from hearing the said O.A. and if they decide to hear the case of the Petitioner, then they are duty bound to allow Smt. Rohini M. Amin to represent him;

(c) pass such further and other orders as the nature and circumstances of the case may require”

3] If the petitioner is not happy with the order dated 22nd August 2016 or aggrieved in any manner, there is a mechanism how he has to challenge the same.

4] Accordingly, the present petition is dismissed.

(CHIEF JUSTICE)

(M.S.SONAK, J.)