

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 536/2005.

Smt. Neeta Arvind Sawankar

-VERSUS-

The Chairman, Parmatama Ek Sevak Coop. Bank and another.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

**CORAM : B.P. DHARMADHIKARI
& P.N. DESHMUKH, JJ.**

DATE : APRIL 27, 2016.

None for the parties.

2. Petitioner assail notice dated 11.01.2005, issued under Section 13[2] of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and further action under Section 13[4] thereof. This Court while issuing notice before admission in the matter on 14.02.2005, directed the petitioner to file an undertaking that he would deposit all expenses and costs of the process by

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Bank for auction sale of property, if petition was to be dismissed.

3. Respondent nos. 1 and 2 have filed their reply on 20.04.2005 and pointed out that the impugned action was taken by them under Section 101 of the Maharashtra Cooperative Societies Act, after following necessary procedure and not in furtherance of notice under Section 13[2] of the Securitisation Act. Along with that reply, RRC issued on 23.11.2004 was also annexed.

4. Perusal of further orders dated 06.05.2005 show that while admitting petition, this court did not grant any interim relief. Order states that Bank had taken recourse to provisions of Securitization Act and permitted bank to continue with it. Liberty was given to parties to move the court if any contingency arose or for final disposal if lis did not survive.

5. Thus action in terms of Section 13[4] may have been taken after 06.05.2005. Petition has not been amended thereafter to point out subsequent developments, and prayer clauses also remain the same.

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6. As such we find that by passage of time challenge is rendered infructuous. Writ Petition is, therefore, disposed of as such. Rule discharged. No costs.

JUDGE

JUDGE

Rgd.