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

CIVIL APPLICATION W. NO.135/2016
IN
WRIT PETITION NO.4118/2011

M/s Jaykisan Kela Agency through its Proprietors Mrs. Lata w/o Ishwarsing Patil and another
...Versus...
Jijamata Mahila Nagari Sahakari Bank Ltd., Buldana through its Chief Executive Officer, Buldana and others

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Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's orders

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Shri N.D. Thombre, Advocate for petitioners
Shri R.L. Khapre, Advocate for respondent nos.1 and 2
Shri K.L. Dharmadhikari, AGP for respondent no.7

CORAM : SMT. VASANTI A. NAIK AND A. S. CHANDURKAR, JJ.
DATE : 01.02.2016

Heard.

By this civil application, the applicants/petitioners seek a direction to the respondent nos.1 and 2 to provide the detail statement of the amount outstanding against the petitioners. The petitioners seek a direction that the matter be sent for mediation before the trained mediators.

By this petition, the petitioners have challenged the notice issued by the respondent nos.1 and 2 – Bank on 4.8.2009 under Sections 13 (2) and 13 (4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security

Interest Act, 2002. Certain other ancillary prayers are also made in the writ petition.

By an order dated 25.8.2011, we had restrained the petitioners from alienating the property or creating third party interest therein. By an order dated 14.2.2012, we had directed the petitioners to deposit 50% of the amount claimed, in this Court. The *ad interim* relief was made conditional on the payment of the aforesaid amount. In the order dated 2.7.2012, this Court observed that if the petitioners fail to deposit 50% of the amount claimed, within a period of four weeks, the *ad interim* relief would stand automatically vacated. The *ad interim* relief was vacated by an order dated 3.8.2012. The petitioners are now seeking the aforesaid relief without complying with the directions for depositing 50% of the amount claimed.

According to the petitioners, the respondents are claiming an exorbitant amount towards dues though the petitioners had secured a loan of Rs.4,50,000/- only.

We are not inclined to consider and determine the dispute in regard to the actual dues that are liable to be paid by the petitioners to the respondent nos.1 and 2. The matter arises out of the proceedings initiated by the respondents – Bank under the Act of 2002. Considering the object of the Act of 2002 as also the fact that the *ad interim* relief granted in favour of the petitioners was vacated, no directions could be issued against the respondents, as sought by this application. It appears that the application has been filed only with a view to protract the proceedings and to delay the recovery of the dues by the respondents – Bank. The respondents– Bank is entitled to proceed against the petitioners, in accordance with law. The respondents have strongly opposed the prayer for mediation. Hence, the said prayer also cannot be granted.

The civil application stands rejected.

JUDGE **JUDGE**

Wadkar