

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

C.P.NO. 111/2016 IN W.P.NO. 2545/2015.

M/s. Shushma Products MIDC, Nagpur and another.

-VERSUS-

Vaishali Ramteke, Branch Manager, BOI Nagpur and others.

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 &
KUM. INDIRA JAIN, JJ.

DATE : AUGUST 01, 2016.

Heard R.H. Agrawal, learned Counsel for the petitioners, Shri R. Kamble, learned Counsel for respondent no.2 and Shri S.A. Chaudhari, learned Counsel for respondent no.3.

2. Grievance is respondent no.2 did not appear before the DRAT Madras either on 13.05.2015 or 26.06.2015 and hence interim orders granted by this Court on 07.05.2015, while disposing of Writ Petition No.2545/2015 stood exhausted. With the result, respondent – auction purchaser took possession of the secured asset.

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3. The matter is today listed for consideration as also for deletion of respondent no.1. We accept the reason given by the learned counsel for the petitioner for his inability to carry out the amendment. We extend the said time by one week.

4. Perusal of orders dated 07.05.2015 in Writ Petition No. 2545/2015 show that DRAT Madras (Incharge DRAT) could have passed appropriate orders on 13.05.2015 or 26.06.2015. Being a judicial authority it was not necessary for it to wait for the appearance of any of the parties. If the authority did not pass any orders, we cannot blame any of the respondents. Its refusal or omission to pass any orders could have been questioned before appropriate forum.

5. In view of this, there is no case made out warranting exercise of contempt jurisdiction. Hence, keeping all rival contentions on merits of the matter open, we dispose of the present Contempt Petition. No costs.

Rgd.

JUDGE**JUDGE**

CERTIFICATE

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