

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

WRIT PETITION NO. 6188 OF 2012

(ASSET RECONSTRUCTION COMPANY INDIA LTD...VS. STATE OF MAH AND 3 OTHERS.)

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

Court's or Judge's orders

CORAM : P.B.VARALE AND Z.A.HAQ, JJ.
DATED : SEPTEMBER 21, 2016.

Heard Shri S.N.Kumar, advocate for the petitioner, Shri H.R. Dhumale, A.G.P. for the respondent Nos. 1 and 2, Shri S.A. Radke, advocate for the respondent No.3 and Shri S.V.Deshmukh, advocate for the respondent No.4. Shri R.D.Wakode, advocate and Shri S.B. Chaudhari, advocate for the Interveners are present.

The petitioner has challenged the order passed by the learned District Magistrate directing that the application of the petitioner under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 be filed as it was not possible for him to pass any orders or to issue any directions in view of the situation prevailing in 2012 when the impugned order was passed and as the suit filed by the present respondent No.4 was pending before the High Court of Calcutta.

It is admitted by all the parties that Civil Suit No. 74 of 2007 which was filed by the respondent No.4 is dismissed on 6th April, 2016.

The respondent Nos. 3 and 4, who were opposing the prayer of the petitioner in the present petition initially, submit that in view of the dismissal of the Civil Suit No. 74 of 2007 by the High Court of Calcutta, the efficacy of the impugned order does not survive and now there is no impediment for the District Magistrate to decide the application filed by the petitioner under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

Hence, the following order :

- i) In view of the subsequent events, it is held that the efficacy of the impugned order does not survive.
- ii) The District Magistrate is directed to pass appropriate orders on the application filed by the petitioner under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.
- iii) As the matter is old, the learned District Magistrate shall dispose the application within four weeks.
- iv) The petitioner and the respondents or their representatives shall appear before the learned Magistrate, Nagpur on 30th September, 2016 at 11.00 a.m. and abide by further orders in the matter.

The petition is **disposed** in the above terms. In the circumstances, the parties to bear their own costs.

C.A.W.NO. 103/2013

In view of disposal of the writ petition, the prayer made by the applicant to add respondent No.2 as party in his personal capacity does not survive, hence, the application is disposed of.

C.A.W.NOS. 104/2013 & 1265/2013.

In view of disposal of the writ petition, the prayer made by both the applicants to intervene in the matter does not survive, hence, the applications are disposed of.

JUDGE

JUDGE

CERTIFICATE

I certify that this order uploaded is a true and correct copy of original signed order.

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