

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 5995 OF 2011
[FOR REVIEW]
IN
CIVIL REVISION APPLICATION NO.212 OF 2004**

Sonali d/o.Shrichand Jain,
Age: 34 yers, Occu: Household,
R/o.10, Kranti Nagar, CTS No.7019
Opp.Vidhya Vardhani College,
Sakri Road, Dhule
Tq. & Dist.Dhule.

APPLICANT

VERSUS

1. Najmabi w/o.Rafiyoddin Kazi
Age: 77 Years, Occu. Housewife,
R/o.Ashiyana Bunglow, Opp.Aunt's Hospital
Moglai, Sakri Road, Dhule
2. Raj Lakshmi Nagari Sahakari
Bank Ltd.
Through its Manager
Shri. Santosh Cunnilal
Age: 36 yeras, Occu: Service,
R/o.Galli No.4, Bank Street,
Dhule.

RESPONDENTS

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Mr.C.R.Deshpande, Advocate for the applicant
Mr.N.N.Desale, Advocate holding for Mr.Amol
S.Sawant, Advocate for respondent no.2
Mr.A.R.Syed, Advocate holding for
Mr.S.P.Brahme, Advocate for respondent no.1.

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**CORAM : S.S.SHINDE, J.
DATE : 08.12.2017**

ORDER:

1] Heard learned counsel appearing for the Review Applicant and the learned counsel appearing for the respondents.

2] At the outset it is relevant to mention that, no certificate of good ground is placed on record along with the Review Application. Be that as it may, the apprehension is expressed by the review applicant that, the order dated 28th October, 2010 passed by this Court in Civil Revision Application No.212 of 2004 creates an impression that, the suit filed by the Review Applicant is not tenable even as against original defendant no.1. In my opinion such apprehension is mis-founded, inasmuch as, the application was filed by Rajlakshmi Nagari Sahakari Bank Limited i.e. original defendant no.2, in Special Civil Suit No.52/2004. Therefore, as a natural corollary, the

application at Exh.30 was decided by the concerned Court, keeping in view the averments in the said application and the prayers therein. Upon careful perusal of the averments in the said application at Exh.30 and the prayer therein, the same was confined to the extent of the grievance of the original defendant no.2 i.e. Rajlakshmi Nagari Sahakari Bank Limited. It was contended in the said application that in view of the provisions of Section 34 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, the suit is not maintainable against the said Bank.

3] Even the Civil Revision Application, which was filed by the said Bank, was challenging the orders passed by the Civil Judge Senior Division, Dhule, below Exhibits 5, 16 and 30. In fact, there is no occasion for this Court to give clarification, that

the judgment and order dated 28th October, 2010, passed in Civil Revision Application, does not affect the maintainability of the suit in relation to the original defendant no.1, and same is confined to the case of original defendant no.2.

4] With above observations, the Civil Application stands disposed of.

[S.S.SHINDE]
JUDGE

DDC