

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9306 OF 2016

Nandkumar Vishwanath Jethe ... Petitioner
Vs.
State Bank of India through its Branch Manager
and others ... Respondents

Mr. P. M. Arjunwadkar for Petitioner.
Mr. J. B. Navlani i/b. Mr. Kusumakar Kaushik for Respondent No.1.

CORAM : R. G. KETKAR, J.
DATE : JANUARY 20, 2017

P.C. :

Heard Mr. Arjunwadkar, learned Counsel for petitioner and Mr. Navlani, learned Counsel for respondent No.1 at length.

2. This Petition takes exception to the order dated 10.12.2007 passed by the learned trial Judge raising attachment warrant under Order 21, Rule 54 of the Code of Civil Procedure, 1908 (for short 'C.P.C.'). It is common ground between the parties that petitioner herein has filed application under Order 21, Rules 58 and 59 of C.P.C. in the trial Court on 03.08.2016 for raising the attachment as also for cancelling the proposed auction sale. Learned Counsel for the parties state that the said application is pending.

3. In view thereof, in my opinion, Petition can be disposed of by directing the trial Court to decide the application within four weeks from production of the authenticated copy of this order. Hence the following order:

a. The learned trial Judge shall decide the application filed by the petitioner under Order 21, Rules 58 and 59 of C.P.C. within

four weeks from production of the authenticated copy of this order;

- b. Respondent No.1 is at liberty to file reply within two weeks from today, if so advised;
- c. It is made clear that I have not examined merits of the case;
- d. All contentions of the parties on merits are expressly kept open.
- e. Petition is disposed of accordingly.

(R. G. KETKAR, J.)

Minal Parab