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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

APPEAL FROM ORDER NO. 1025 OF 2016

WITH

CIVIL APPLICATION NO.1288 OF 2016

IN

APPEAL FROM ORDER NO.1025 OF 2016

Baban Mahadev Nirmale

...Appellant

VS

Dilip Prabhakar Dabade & Ors.

...Respondents.

.....

Mr Nagesh Y. Chavan for the Appellant.

Mr Tejpal S. Ingale for Respondent No.4.

Mr Yogesh Dabke, AGP, for Respondent Nos.5 and 6.

.....

CORAM : A. A. SAYED J.

14 MARCH, 2017

P.C. :

Learned counsel for the Appellant, on instructions, states that the Appellant is willing to file necessary application under Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "SARFAESI Act") and that the Appellant will withdraw the Appeal, which is pending before the District Court, Sangli. He seeks liberty to file such an application under Section 17 of the SARFAESI Act and further submits that the ad-interim protection granted by this Court on 1st December, 2016 be continued for a period of three weeks from today. Accordingly, the following order is passed.

ORDER

- (i) The present Appeal from Order is allowed to be withdrawn

with a liberty to file an application under Section 17 of the SARFAESI Act before the Debt Recovery Tribunal. The DRT will while considering the application for condonation of delay, consider that the Appellant was prosecuting the present proceedings;

- (ii) The statement of the learned Counsel for the Appellant is recorded that the Appellant shall withdraw the Appeal, pending before the District Court, Sangli within a period of three weeks from today;
- (iii) The ad-interim protection granted under the orders dated 1st December, 2016 in the aforesaid Appeal (as also 22nd November, 2016 in Writ Petition No.13050 of 2016), shall continue to operate for a period of three weeks from today;
- (iv) All contentions of the parties are expressly kept open.

2 The Appeal from Order is disposed of in the above terms. In view of disposal of the Appeal from Order, the Civil Application does not survive and the same to stand disposed of.

3 All concerned to act on copy of this order, duly authenticated by the Registry.

(A. A. SAYED, J.)