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

WRIT PETITION NO.6470 OF 2018

Om Sai Hospital and Maternity Home ... PETITIONER

**VERSUS**

The State of Maharashtra & ors. ... RESPONDENTS

.....  
Shri A.G. Talhar, Advocate for petitioner  
Shri P.K. Lakhotiya, A.G.P. for State  
Shri B.V. Samant, Advocate for respondent No.5  
.....

CORAM:     R.M. BORDE AND  
                  A.M. DHAVAL, JJ.

DATED :     2nd July, 2018.

ORAL ORDER :

1.            It appears that, the original borrower has created interest in the property mortgaged with the Bank after execution of the document and after borrowing the loan. The person in whose favour interest is created shall not have any entitlement to claim relief against the Bank. It would be open for the petitioner to avail of the remedies available in law. It would also be open for the Bank to proceed against the principal borrower in respect of the act of the principal borrower in creating interest during the

subsistence of the mortgage. In view of the above, writ Petition is disposed of.

2. The counsel appearing for the respondent Bank states, on instructions that, for one month from today, the patients who are already hospitalised will not be disturbed. However, the operator of the hospital shall not induct/ admit new patients. The petitioner - operator of the hospital shall give the details in respect of the in-patients/ patients admitted in the hospital to the representative of the respondent Bank within two days.

( A.M. DHAVALA )  
JUDGE

( R.M. BORDE )  
JUDGE

fmp/