

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2818 OF 2017

Shri Satish Baburao Bhosale

...

....Petitioner

V/S

The State of Maharashtra & Ors.

....Respondents

...

Mr. Nilesh Wable i/b Mr. Dilip B. Shinde for the Petitioner.

Mrs. K.R. Kulkarni, AGP for the Respondent Nos.1 to 4.

Mr. Amit B. Borkar for the Respondent No.5-Bank.

...

**CORAM : A.A. SAYED &  
V.L. ACHLIYA, JJ.**

**DATE : 17 JANUARY 2018.**

**ORDER:**

1 Learned Counsel for the Petitioner states that he has no instructions. Learned Counsel for the Respondent No.5-Bank has pointed out the order dated 7 March 2017 of this Court (Coram: R.M. Borde & A.S. Gadkari, JJ.) which reads as follows:

“ The Petitioner has already handed over the cheque dated 10<sup>th</sup> March, 2017 for an amount of Rs.26,50,000/-. We grant 15 days time to the Petitioner to ensure payment of amount under the cheque which has already been handed over to the Respondent-Bank. The Petitioner shall ensure that the amount recorded in the cheque is realised by the Respondent-Bank.

2. The learned Counsel appearing for Respondent-Bank informs that the auction in respect of the residential property is prescribed today. The auction proceedings may go on, however,

the same shall not be finalised. The Respondent-Bank shall not put the auction purchaser in possession of the property and shall also not issue the sale certificate.

3. Stand over to 21<sup>st</sup> March, 2017.”

2 Learned Counsel for the Respondent No.5-Bank submitted that the aforesaid cheque dated 10 March 2017 of Rs.26,50,000/- has returned dishonoured.

3 In the circumstances, considering the conduct of the Petitioner, we decline to entertain the Petition. The Petition shall stand dismissed.

4 It is clarified that the Respondent Bank shall be free to take possession of the premises in question without making a fresh Application under section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and the time granted by the impugned order dated 7 January 2017 of the District Collector, Kolhapur shall stand extended for further period of two months from today.

**(V.L. ACHLIYA, J.)**

**(A.A. SAYED, J.)**

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