

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (STAMP) NO.20661 OF 2018

Mr. Dharamraj Nivrutti Jadhav

...

....Petitioner

V/S

The Sahyadri Sahakari Bank Ltd. & Ors.

....Respondents

...

Mr. Shailendra S. Kanetkar a/w Mr. Nikhil Dongre for Petitioner.

Mr. A.A. Alaspurkar, AGP for Respondent Nos.3 and 4/State.

Mr. Suil Hambre a/w Mr. Nagesh Avhale i/b Mr. Sonil A. Hambre for the Respondent No.1.

...

**CORAM : A.A. SAYED &
M.S. KARNIK, JJ.**

DATE : 20 JULY 2018.

ORDER:

1 On 12 July 2018 the DRT, Pune, has recorded the statement of the Advocate for the Respondent Bank that no date has been fixed for taking physical possession of the secured assets. In the light of the said statement, the DRT found that there was no urgency for passing any ad-interim order in the matter. The DRT directed that the Respondent Bank shall give seven days clear notice before fixing the date of taking over the physical possession of the secured assets and the matter was adjourned to 29 August 2018. The DRT further granted liberty to the Applicant to move the Application for urgent hearing before 29 August 2018, if there is any development in the matter.

2 It appears that despite the above statement made by the Respondent Bank before DRT, the Petitioner was issued notice on the same day i.e. on 12 July 2018 by the Circle Officer stating that possession of the secured asset shall be taken today i.e. on 20 July 2018 at 12.10 p.m.

3 In these circumstances, we pass the following order:

ORDER

- i) The Circle Officer shall defer taking physical possession of the secured asset for a period of two weeks from today.
- ii) We grant liberty to the Petitioner to move the DRT in terms of the liberty granted vide order dated 12 July 2018 of DRT for moving the matter earlier than 29 August 2018.
- iii) The DRT shall decide the M.A. No.24 of 2018 for condonation of delay and if delay is condoned, consider the case of the Petitioner for ad-interim reliefs.

4 The Petition is disposed of in aforesaid terms. We made it clear that we have expressed no opinion on the merits of the matter. All contentions are kept open.

(M.S. KARNIK, J.)

(A.A. SAYED, J.)

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Sudarshan
Rajalingam Katkam

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