

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

WRIT PETITION NO. 13439 OF 2018

Manish Haresh Milani

... Petitioner

Versus

The Registrar,

Debt Recovery Tribunal, Pune

... Respondent

....

Mr. Nilesh Ojha a/w Tanvi Kambli, Shashikala Chauhan, Shivam Mehra and Vijay Kurle, Advocates for the Petitioner.

Mr. Y. S. Bhate a/w Mr. D.P. Singh, Advocate for the Respondent.

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**CORAM : A. A. SAYED AND
A. S. CHANDURKAR, JJ.**

DATE : 30th NOVEMBER, 2018.

P. C.

1. The grievance of the Petitioner is in respect of the observations/remarks of the Presiding Officer, Debt Recovery Tribunal qua the Petitioner in paragraphs 139, 224 and 225 of the order dated 30 October, 2018 in Interlocutory Application No.994 of 2018 seeking condonation of delay in filing the Securitisation Application No.117 of 2018.

2. Inasmuch as the Petitioner was not a party to the Interlocutory Application No. 994 of 2018 the observations/remarks made in paragraphs 139, 224 and 225 of the order dated 30 October, 2018 qua the Petitioner shall only be treated as *prima-facie* and shall not influence any Authority/Presiding Officer/Judge in any manner in any parallel or other proceedings.

3. In the facts of the present case and in the light of the directions issued by us, the judgments relied upon by the learned Counsel for the Petitioner in (I) *State of Maharashtra Vs. Public Concern For Governance Trust and others* – AIR 2007 SC 777; (ii) *Sarwan Singh Lamba and others Vs. Union of India and others* – AIR 1995 SC 1729; (iii) *Om Prakash Chautala Vs. Kanwar Bhan and others* – (2014) 5 SCC 417; (iv) *Inder Fakirchand Jain Vs. State of Maharashtra* – 2007 ALL MR (Cri.) 3012 which are confined to the facts of those cases, would not be of much assistance.

4. With the aforesaid observations, the Writ Petition is disposed of.

(A. S. CHANDURKAR, J.)

(A. A. SAYED, J.)