

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.367 OF 2018

Bhaktiraj s/o Rikhiram Sharma, Zingabai Takli, Nagpur

-vs-

The Branch Manager, Karnataka Bank Ltd. Br. Gandhinagar, Nagpur

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri S. G. Karmarkar, Advocate for petitioner.
Shri Anil Padiyar, Advocate for respondent.

CORAM : A.S.CHANDURKAR, J.

DATE : February 28, 2018

Challenge in this writ petition is to the order passed by the trial Court rejecting the application for injunction that has been confirmed by the Appellate Court.

After hearing the learned counsel for the petitioner and the respondent, I do not find any exceptional case is made out warranting interference. Prima facie it has been found that the suit property was sold on 02/06/2014 in favour of defendant No.1. Thereafter the defendant No.1 mortgaged that property with the defendant No.3. In proceedings initiated by the defendant No.3 under provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, symbolic possession has been taken on 29/01/2018. Moreover, at this stage no prima facie finding can be recorded that the sale-deed in question is vitiated by fraud as alleged by the plaintiff.

Hence the writ petition stands dismissed. However, in the facts of the case the proceedings in R.C.S. No.76/2017 are expedited and the trial Court shall decide the same by the end of December 2018 without being influenced by the adjudication on the injunction application.

JUDGE