

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

CIVIL APPLICATION (CAN) NO.40/2018

IN

C.P.NO.259/2017

IN

W.P.NO.5344/2016

Nirmal Urban Cooperative Bank Ltd., Nagpur, thr. its G.M. Nandanwan, Nagpur

..VS..

Smt. Mamta wd/o Keneddy Naidu, Nagpur

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

Court's or Judge's Order

.....
Dr. (Mrs.) R.S. Sirpurkar, Counsel for applicant/Resp.

CORAM : V.M. DESHPANDE, J.
DATED : SEPTEMBER 25, 2018.

1. Applicant/respondent/contemnor has filed an application for appropriate orders. By moving this application, the contemnor sought following reliefs:-

"1. restrain the petitioner bank from selling off or disposing off by way of auction or otherwise, the mortgaged immovable property of the respondent in the form of Manish Nagar Apartment and Mahal Apartment, at a rate less than Rs.45.50 lacs and 23.13 lacs respectively, in any case.

2. quash and set aside public notice dated 13.4.2018 issued by the petitioner bank (Annexure-2);

3. during the pendency of the present application stay effect and operation of the public notice dated 13.4.2018 issued by the petitioner bank;

4. allow this application for appropriate orders and grant any

.....2/-

other interim relief as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case."

2. After hearing learned counsel Dr. (Mrs.) R.S. Sirpurkar for the contemnor and looking to the nature of reliefs which are claimed in the present application, I am of the considered view that such application is not tenable in the contempt petition. Hence, the civil application is not maintainable.
3. The civil application stands disposed of accordingly.
4. Needless to mention that the applicant/respondent/contemnor will be able to move an appropriate application in the appropriate proceedings.

JUDGE

!! BRW !!

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