

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

SECOND APPEAL NO.502 OF 2018

(Atish s/o Subhashrao Kosalge Vs. Prakash s/o Bhagwan Kadam and another)

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

Court's or Judge's orders.

Shri A.N. Vastani, Advocate for Appellant.
Shri Abhay Sambre, Advocate for Respondent 1.

CORAM: ROHIT B. DEO, J.

DATE: 18th DECEMBER, 2018.

The appellant who is the original plaintiff is aggrieved by the rejection of plaint, which order is upheld by the Appellate Court.

2] The rejection is predicated on the premise that the question raised can be looked into by the Tribunal constituted under the Securitisation and Reconstruction of Financial Institution Act, 2003 and the jurisdiction of the Civil Court to deal with the said question is barred.

3] Shri Vastani fairly states that he would withdraw the appeal with liberty to approach the Tribunal and raise the said question. Shri Vastani apprehends that the proceedings may have to be preferred beyond the period of limitation. The appellant – plaintiff would undoubtedly be entitled to the benefit of section 14 of the Limitation Act and Shri Abhay Sambre, the learned counsel for the Bank fairly states that the Bank would not raise objection on the ground of delay in moving the Tribunal, if appropriate

proceedings are preferred within six weeks. The statement is accepted as an undertaking. The appeal is disposed of as withdrawn, in the afore-stated terms.

JUDGE

NSN