

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

Amk

INTERIM APPLICATION NO. 1 OF 2019
IN
WRIT PETITION NO. 146 OF 2017

Ramesh Yadav .. Applicant

In the matter between

Mr. Azad Ben Mohanlal Jain .. Petitioner

Vs.

Allahabad Bank & Ors. .. Respondents

WITH
INTERIM APPLICATION NO. 2 OF 2019
IN
WRIT PETITION NO. 146 OF 2017

Mr. Azad Ben Mohanlal Jain .. Applicant

In the matter between

Mr. Azad Ben Mohanlal Jain .. Petitioner

Vs.

Allahabad Bank & Ors. .. Respondents

Mr. P. Chaudhary i/b Jigar Kamdar for the Applicant in IA No. 2/2019.
Mr. V. N. Ajikumar i/b Mr. V. N. Ajikumar for Respondent No.1-Bank.

WITH
INTERIM APPLICATION NO. 1 OF 2019
IN
WRIT PETITION NO. 366 OF 2015

Ramesh Yadav .. Applicant

In the matter between

Allahabad Bank

.. Petitioner

Vs.

Debts Recovery Appellate Tribunal & Ors.

.. Respondents

WITH
INTERIM APPLICATION NO. 2 OF 2019
IN
WRIT PETITION NO. 366 OF 2015

Mr. Azad Ben Mohanlal Jain

.. Applicant

In the matter between

Allahabad Bank

.. Petitioner

Vs.

Debts Recovery Appellate Tribunal & Ors.

.. Respondents

Mr. P. Chaudhary i/b Jigar Kamdar for the Applicant in IA No. 2/2019.
Mr. V. N. Ajikumar i/b Mr. V. N. Ajikumar for Petitioner-Bank.

CORAM : PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.
DATE : 4th FEBRUARY, 2020.

P.C. :

1. *Vide* Interim Application No. 1 of 2019 the borrower seeks consequential orders and directions pursuant to the order dated 19.11.2019 disposing of Writ Petition Nos. 366 of 2015 and 146 of 2017.

2. *Vide* Interim Application No. 2 of 2019 the auction purchaser seeks recall of the order dated 19.11.2019 informing that his counsel

could not enter appearance and could not inform the Court that the stated MOU dated 07.01.2015 on the basis whereof the two Writ Petitions were disposed of has been challenged by him. The MOU in question does not bear the signatures of the Applicant and a forged document.

3. We note that the said stand has been taken by the Applicant in response to the two Writ Petitions and we, thus, dispose of both the Interim Applications withdrawing the order dated 19.11.2019.

4. Writ Petition Nos.366 of 2015 and 146 of 2017 are restored for adjudication afresh.

5. Both the Writ Petitions would be listed after six weeks.

[SMT. BHARATI DANGRE, J.]

[CHIEF JUSTICE]

Arjun M. Kadam

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by Arjun M.
Kadam
Date:
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