

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

**MISC. CIVIL APPLICATION NO. 548 OF 2019
IN
WRIT PETITION NO. 543 OF 2018
(M/s Unique Agro Processors (India) Ltd. V/s Pusad Urban Co-operative
Bank Ltd. & Others)**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Prothonotary's orders	Court's or Judge's orders
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Mr. C. V. Kale, Advocate for Petitioner.

CORAM : MANISH PITALE, J.

DATE : MAY 14, 2019.

P.C. :

. This is an application filed by the Petitioner seeking review of the order dated 30th April 2019 passed by this Court dismissing Writ Petition No. 543 of 2018.

2. By the said order this Court found that the Petitioner had failed to approach the Respondent No.7 – Divisional Joint Registrar after the matter was remanded by this Court.

3. It has been specifically noticed in paragraph nos.10, 11 and 12 of the order dated 30th April 2019 passed by this Court as to the recalcitrant approach

adopted by the Petitioner after the matter was remanded by this Court for fresh consideration to the Respondent No.7 – Divisional Joint Registrar.

4. The learned Counsel appearing for the Review Applicant has invited attention of this Court to the order dated 2nd February 2015 passed in the earlier Writ Petition No. 167 of 2015, to contend that an affidavit in pursuance to the said order had been filed on behalf of the Petitioner and that in the light of the same, when the matter was remanded to the Respondent No.7 – Divisional Joint Registrar by order dated 13th July 2016 passed by this Court in Writ Petition No. 167 of 2015, it was incumbent upon Respondent No.7 – Divisional Joint Registrar to have taken into consideration the aforesaid affidavit and also the submissions filed by the Respondent No.1 – Bank in that context before this Court. Much emphasis was placed on the alleged failure of Respondent No.7 – Divisional Joint Registrar in taking into consideration the said aspect to the matter while holding against the Petitioner on merits in its absence.

5. While dismissing the Writ Petition No. 543 of 2018, this Court had taken into consideration the approach adopted by the Petitioner in failing to appear before the Respondent No.7 – Divisional Joint Registrar after the matter was remanded by this Court. It has been found, as a matter of fact, that the Petitioner

deliberately avoided to appear before the Respondent No.7 – Divisional Joint Registrar despite specific date given by this Court for appearance of the parties while remanding the matter.

6. Thereafter, Respondent No.7 – Divisional Joint Registrar had taken pains to issue notice to the Petitioner for appearance and despite service the Petitioner chose not to appear before the Respondent No.7 – Divisional Joint Registrar, as a result of which, the said Respondent was constrained to consider and dispose of the matter on merits, on the basis of available documents and submissions of the parties.

7. This Court has also found that Respondent No.7 – Divisional Joint Registrar has reached reasonable findings even on merits and that the Petitioner in the Writ Petition was not justified in claiming that grave injustice had occurred due to alleged violation of principles of natural justice. The Review Applicant has failed to point out any error apparent on the fact of the record when this Court dismissed the Writ Petition by order dated 30th April 2019.

8. In the light of above, there is no merit found in the Application. Hence, the same is dismissed.

(MANISH PITALE, J.)