

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

WRIT PETITION NO. 5466/2019

Shabbir Shah & anr.

..VS..

Puroshottam N. Upadhye & ors.

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

Court's or Judge's orders

Shri Y.S. Gorle, Advocate for the petitioner(s)

CORAM : Z.A.HAQ, J.

DATED : 05/08/2019

Heard.

Issue notice to the respondents, returnable on
04/09/2019.

Shri V.B. Bhise, Advocate waives notice for the
respondent no. 1 and Shri N.R. Patil, AGP waives notice for
the respondent nos. 3 and 4.

In the petition, prayer for interim order is as
follows:-

“(iv) Grant stay to the proceedings in appeal No.
33/2019 (Shabbir Shah Sheru Shah and other VS.
Purushottam Narayan Upadhye and other) pending before
the Respondent No. 3 – Divisional Joint Registrar of Co-
operative Societies and Registrar of Money-Lending, Amravati
filed under Section 18 (4) of Money-Lending Act, 2014 during
the pendency of instant Writ Petition.”

The above prayer does not require any immediate consideration, at this stage.

C.A.W. NO. 2110/2019

By this civil application, the petitioners have pointed out subsequent events and have prayed that the effect, operation and execution of the order passed by the Tahsildar, Karanja on 31/07/2019 be stayed. By the order dated 31/07/2019, the Tahsildar has appointed officers to take action as per the order passed by the respondent no. 4 – District Deputy Registrar on 31/05/2019. The order passed by the respondent no. 4 – District Deputy Registrar on 31/05/2019 is not the subject matter of challenge in the petition.

The respondent no. 1 has filed caveat application praying that any interim order need not be passed in any matter challenging the order passed by the respondent no. 4 – District Deputy Registrar on 31/05/2019.

Shri V.B. Bhise, Advocate who appears for the respondent no. 1 on caveat has made grievance that copy of the petition is not served on him or on the respondent no. 1.

The advocate for the petitioners submitted that the order dated 31/05/2019 is not challenged in the petition, and therefore copy of the petition is not served on the caveator or his advocate.

This petition was circulated urgently for 2:30 pm. From the conduct of the petitioners, I find that there has been an attempt to obtain *ex-parte* interim order at the back of the caveator. Hence, the C.A. is dismissed.

JUDGE

Ansari