

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

WRIT PETITION NO. 1047 OF 2020

(Shri Harikishan s/o Shrikishan Rathi ..vs.. State Bank of India, Amravati)

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

Court's or Judge's orders

Shri R.H. Agrawal, Counsel for the petitioner,
Shri S.N. Kumar, Counsel for the respondent.

CORAM : ROHIT B. DEO AND
NITIN B. SURYAWANSHI JJ.
DATED : 23-07-2020

Hearing was conducted through video conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. Heard.

3. The petitioner is challenging the order dated 30-5-2019 passed by the Debt Recovery Tribunal, Nagpur and the consequent auction sale.

4. The petitioner has fairly averred in paragraph 23 of the petition that the merits of the impugned order is not called in question nor is the petitioner seeking any order which touches the jurisdiction of the Debt Recovery Appellate Tribunal, Mumbai. It is averred that due to non-availability of the Appellate Tribunal, the petition is filed seeking limited relief of protection till hearing and orders in the pending appeal.

5. In this view of the matter, the petition can be disposed of by granting liberty to the petitioner to agitate the grievance either before the Debt Recovery Tribunal or the Debt Recovery Appellate Tribunal, as the petitioner may be advised.

6. We note the assertion of the State Bank of India that the Debt Recovery Tribunal and the Debt Recovery Appellate Tribunal are, as a fact, taking up matters for hearing.

7. The interim order dated 26-2-2020 shall continue to operate for 60 days and shall lapse automatically on the expiry of the said period.

8. The petition is disposed of in the aforestated terms.

JUDGE

JUDGE

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