

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

907 WRIT PETITION NO.7317 OF 2021

SHRIRAM GANPATI BIYANI
VERSUS
DAYARAM SHAKARAM CHAUDHARI AND OTHERS

AND

908 WRIT PETITION NO.7318 OF 2021

SAPNA SHAILSH BIYANI AND OTHERS
VERSUS
SANJAY ATMARAM CHAUDHARI AND OTHERS

AND

909 WRIT PETITION NO.7319 OF 2021

SHRIRAM GANPATI BIYANI
VERSUS
SHAMLAL JAMANALAL SUTAR AND OTHERS

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Mr. Vinod Prakash Patil, Advocate for the petitioners.

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CORAM : **AVINASH G. GHAROTE, J.**

DATE : 06-07-2021.

ORDER :

1. Mr. Patil, learned Counsel for the petitioners assails the order at page-15 in all the three petitions, which is undated, though learned counsel for the petitioners submits that it should bear the date 25.06.2021, on the ground, that the respondent No.3, has refused to supply copy of the Roznama and CD/Pen Drive. He submits, that such a refusal was also made on 18.06.2021 and entry thereof has also been taken in the Roznama.

2. It is material to note that the proceedings before respondent No. 3, are under the provisions of the Money Lending Act, 2014 on the basis of the application filed by respondent Nos.1 and 2. A perusal of the application by respondent Nos.1 and 2, does not indicate any recording of conversation or its record being created by way of a CD or Pen Drive. The complaint is simplicitor under the provisions of the Money Lending Act which is being inquired into. In absence of any mention about any conversation being recorded and record of its being created by way of a CD or pen drive, in the complaint, the apprehension of the petitioners, is not justified.

3. In view of the above, I do not see any merit in the petitions. The same are dismissed.

4. Needless to say that, this is no reason for not filing reply by the petitioners. The petitioners would be well advised to file reply to the complaint before the respondent No. 3. It is stated that the proceedings are now kept before respondent No. 3 on 9th July 2021 for final disposal. Since the petitioners are willing to place their reply on record, it would be appropriate, if the respondent No. 3 accepts the same and decides the matter on merit after considering the reply. Needless to say, that in case any material / document is considered by the respondent No.3 for passing of orders, the petitioners, would naturally be entitled to a copy of the same.

(AVINASH G. GHAROTE)