

Bhogale

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2571 OF 2021**

Sameer Avinash Kekre and anr. .. Petitioners.

vs.

M/s. Baner Biz Bay

Through Partner and ors. .. Respondents

Mr. Kishor Patil a/w Mr. R.M. Haridas a/w Mr. Pratik B. Rahade for the
Petitioners.

Ms. Uma K. Wagle for Respondent No.1.

Mr. S.D. Rayrikar, AGP for the State-Respondent Nos.2 to 5.

CORAM : M.S.KARNIK, J.

DATE : JULY 22, 2021

(THROUGH V.C.)

P.C.

Heard learned counsel for the parties.

2. It is the contention of learned counsel for the Petitioners that what is under challenge is an order passed by the Divisional Joint Registrar dated 21.05.2021 remanding the matter back to the Respondent No.3-Deputy Registrar. The hearing of the matter before the Deputy Registrar is on 03.08.2021.

3. Mr. Patil, learned counsel submits that though he has filed a Revision challenging the order passed by the Divisional Joint Registrar and along with the Revision an application for stay is also preferred, the stay application has not yet been heard by the Hon'ble Minister.

4. It is the contention of Ms. Wagle that there is no infirmity with the order passed by the Divisional Joint Registrar, Pune as the order was passed by the Deputy Registrar in breach of the principles of natural justice and without hearing all concerned.

5. Without prejudice to the rights and contentions of the parties, as the Revision is pending before the Hon'ble Minister, present Petition can be disposed of by requesting the Hon'ble Minister to decide the application for stay expeditiously and in any event within a period of four weeks from 28.07.2021. The parties to appear before the Hon'ble Minister on 28.07.2021 at 3.00 p.m. The learned counsel for the Petitioner as well as learned counsel for the Respondent No.1 submit that this is sufficient notice to appear before the Hon'ble Minister and they will accordingly appear. The application for stay to be decided on its own merits and without being influenced by filing of the present Petition. As the application for stay is being considered by the Hon'ble Minister, the Deputy Registrar is requested to defer the hearing of the proceedings before him by a period of six weeks from today. Till the application for stay is decided by the Hon'ble Minister, the interim order passed by this Court on 08.07.2021 to continue.

6. The Writ Petition is disposed of.

(M.S.KARNIK, J.)