

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

Writ Petition No. 1914/2007

M/s Ashoka Safe Deposit Vault Company

Petitioner.

Versus

Administrator, Samta Sahakari Bank Limited, Nagpur

Respondents.

and others

None for the Petitioner.

Shri Dhruv Sharma i/b R.M. Bhangde, Advocate for the Respondent
Nos. 3 to 5.

Shri S.J. Kharbade, Advocate for Respondent No.8/Intervenor

**CORAM : NITIN JAMDAR AND
ANIL S. KILOR, JJ.**

DATED : 28 JANUARY 2021

P.C.:

This Petition is pending since the year 2007. No interim relief operating in this Petition. The Petition was dismissed for default on 16 January 2017 and was restored by order dated 21 July 2017 on payment of costs. Thereafter, again on 6 August 2018 Petition was dismissed for want of prosecution and again restored subject to costs of Rs. 5000/-. Even today none appears for the Petitioner. The Petitioner has sought direction to Respondent Bank to put the property of the Petitioner Company for fresh auction and direction to the Respondent Nos. 3, 4 and 5 to allow the depositors or the locker holders of the

Petitioner Company to operate their respective lockers. Amended prayer is that "the Sale Deed executed between the seller and purchaser shall be set aside as Sale Deed is executed by practicing fraud".

2. This Petition which has remained pending since 2007 was twice dismissed and restored and it appears to us that the Petitioner has lost interest in prosecuting this Petition. The Writ Petition is dismissed for non prosecution.

3. In case any application for restoration is filed, the Petitioner will demonstrate how the cause of action survives in this Petition.

[ANIL S. KILOR, J]

[NITIN JAMDAR, J]