

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

WRIT PETITION NO.1367 OF 2021

Bank of Maharashtra

Vs.

Smt. Radhika Susheel Nair and others

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

Court's or Judge's orders.

Shri Anand Jaiswal, Senior Advocate a/b Shri A.J. Pathak, Advocate for
petitioner.

CORAM : V.M. DESHPANDE, J.

DATE : 16th MARCH, 2021.

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

(2) Heard Shri Anand Jaiswal, learned Senior Counsel for the petitioner-Bank.

(3) This writ petition is filed against the ex-parte order of injunction dated 02.03.2021 passed by the learned 17th Joint Civil Judge Senior Division, Nagpur under Order XXXIX of the Code of Civil Procedure.

(4) Learned Senior Counsel submits that the suit is now fixed for hearing on 26.03.2021.

(5) In view of the aforesaid, it will be always open for petitioner-Bank to approach to the Trial Court and file

appropriate application for recalling of the order on the grounds raised in this writ petition.

(6) If such an application is moved by the petitioner-Bank, the learned Judge of the Court below need not wait for service on the other defendants since main contesting defendant is petitioner-Bank. If such an application for recalling of order is filed on 26.03.2021, the learned Judge shall decide the same within a period of 10 days from 26.03.2021.

(7) The petitioner will be at liberty to move other appropriate application, if it chooses so.

(8) The writ petition is disposed of. No costs.

JUDGE

Wagh