

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

WRIT PETITION NO. 1396 OF 2021

PETITIONERS: 1. Smt. Chabhu w/o Jagannagth Borikar,
aged - 56 years, Occ. Business

2. Shri Jagannath s/o Vasantrao Borikar,
aged 65 years, Occ. Retired.

3. Miss. Swati d/o Jagannath Borikar,
Aged 33 years, Occ. Business,

All R/o. Plot No.1, Yash Housing Society,
Gajanan Nagar, Behind Balaji Mandir,
Besa, Nagpur-440 034.

...VERSUS...

RESPONDENTS: 1. Union of India,
through Ministry of Finance,
through its Secretary, New Delhi.

2. The Registrar,
Debts Recovery Tribunal,
2nd Floor, "B" Wing, CGO Complex,
Seminary Hills, Nagpur.

3. The Authorised Officer,
India Shelter Finance Corporation Ltd.,
Plot No. 210, Tiranga Chowk, Cement Road,
Above Union Bank of India, Nandanvan,
Nagpur.

Shri Rohan Chandurkar, Advocate for petitioners
Shri Bhushan Dafle, Advocate for respondent No.3

**CORAM : SUNIL B. SHUKRE AND
AVINASH G. GHAROTE, JJ.
DATE : 25/03/2021.**

ORAL JUDGMENT (PER : SUNIL B. SHUKRE, J.)

1] Heard Shri Chandurkar, learned counsel for the petitioners and Shri Dafle, learned counsel, who appears by waiving notice for the respondent No. 3. Hearing is conducted through Video Conferencing and all the learned Advocates agreed that the audio and visual quality was proper.

2] Rule. Rule made returnable forthwith. Heard finally by consent of the learned counsel appearing for the parties.

3] We have already passed a detailed order on 19.03.2021 when interim relief was granted to the petitioners. The facts noted therein are not in dispute and therefore, the issue involved in this petition would be squarely covered by the view taken by this Court in Writ Petition No. 1376/2021 (*Shri Jaidev Laxmidas Panchmatia and another vrs. The Authorized Officer, Union Bank of India, Nagpur*), decided on 17.03.2021.

4] Accordingly, we partly allow the petition. The incharge DRT, Mumbai, is requested to grant virtual or physical hearing as per convenience and the rules at the earliest to the petitioners and urgently hear the interim application filed by the petitioners and decide it in accordance with law, within a period of two weeks from the date of the order. We further direct that the public auction of the subject properties now be postponed to a convenient future date, which may possibly be after three weeks from the date of this order so as to give sufficient time to the Incharge D.R.T. Mumbai, to decide the interim application in accordance with law.

5] Rule accordingly. No costs.

JUDGE

JUDGE