

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

WRIT PETITION NO.1347 OF 2020

SMT. SHABNAM SHAFI SHEIKH
VERSUS
COLLECTOR, NAGPUR 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 Gaurav S. Gour, Advocate for petitioner.
Shri A. R. Chutke, AGP for respondent No.1.
Shri Nitin Jaiswal, Advocate for respondent No.2.

CORAM : A.S. CHANDURKAR AND G. A. SANAP, JJ.
DATE : 20/12/2021

Shri Gaurav Gour, learned counsel for the petitioner on instructions, seeks permission to withdraw the writ petition with liberty to approach the Debts Recovery Tribunal for availing statutory remedy available to the petitioner. He submits that since the petitioner and her family members are in occupation of the house property which is the subject matter of auction reasonable time be granted to avail such remedy.

Shri Nitin Jaiswal, learned counsel for the respondent No.2 does not object the request for availing statutory remedy.

In view of the aforesaid, the writ petition is permitted to be withdrawn with further liberty to the petitioner to avail statutory remedy available in accordance with law. Since the petitioner and her family member are in possession of the house property, interim order granted on 05/03/2020 shall

continue for further period of four weeks from today and cease to operate thereafter automatically.

All points raised are kept open.

It is made clear that the request for grant of interim protection shall be considered by the Tribunal on its own merits without being influenced by the continuation of the interim protection.

The writ petition is disposed of. No costs.

(G. A. SANAP, J.)

(A.S. CHANDURKAR, J.)

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