

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.7956 OF 2020

BHAUSAHEB SABAJI NILE
VERSUS
THE SANGAMNER MERCHANTS CO OPERATIVE BANK LTD AND
ANOTHER

Mr.A.R.Salve, Advocate for the petitioner.
Mr.A.N.Sikchi, Advocate for respondent No.1.
Mr.S.G.Sangle, AGP for respondent No.2.

(CORAM : RAVINDRA V. GHUGE AND
ARUN R. PEDNEKER, JJ.)

DATE : AUGUST 22, 2022

PER COURT :

1. The learned Advocate for the petitioner has moved a motion on 20.08.2022 indicating that the petitioner desires to withdraw this petition.

2. The learned Advocate submits that the petitioner desires to approach the Debt Recovery Tribunal by preferring a proceeding u/s 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (For short, the Act). Under the orders of this Court, he has deposited Rs.12,00,000/- and this Court

has protected his house property, which he claims to be occupying. He prays for continuing the relief for some time.

3. The learned Advocate representing the Bank contends that the petitioner has indulged in an act of misleading the Court. A Criminal writ petition has been filed and is subsequently withdrawn and now the petitioner desires to withdraw this petition.

4. It is conceded that the petitioner is presently occupying the mortgaged house property. Rs.12,00,000/- have been deposited with this Court and the said amount has been withdrawn by the Bank. In view of the above, we do not find any impediment, while exercising our discretion, to continue the ad-interim protection till 29.08.2022 in view of the request of the petitioner.

5. As such, this petition is disposed off. The ad-interim protection granted to the petitioner would operate till 29.08.2022. All contentions of the parties in so far as the proposed litigation u/s 17 of the Act is concerned, are kept open.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)