

S.S.Kilaje

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1172 OF 2022

Mohammed Aslam Mohammed Usman Shaikh
and Ors.

.. Petitioners

Versus

State of Maharashtra and Ors.

.. Respondents

.....

- Mr. S.S.Kanetkar a/w. Mr. Yash Dewal for Petitioners
 - Ms. S.D.Vyas, 'B' Panel Counsel for the Respondent – State
 - Mr. Nikhil Rajani i/by V. Deshpande & Co. for Respondent Nos. 4 and 5
-

**CORAM : K. R. SHRIRAM &
MILIND N. JADHAV, JJ.**

DATE : 12th JULY, 2022

P.C.:

1. Mr. Kanetkar states that petitioners approached this court because DRT, Pune was vacant. He states DRT is now fully functional and petitioner has also filed Securitization Application. Mr. Kanetkar states that petitioner will pursue the S.A. and apply to the DRT for suitable reliefs.

2. Mr. Kanetkar states that on 04.02.2022 this court had granted stay but on a condition that petitioners shall pay a sum of Rs.35 lakhs to respondent No.4 within a period of three weeks. Admittedly, petitioners had committed default and consequently the stay got vacated. Mr. Rajani states that therefore no stay should be granted.

3. Mr. Kanetkar states that subsequently petitioner had paid about

Rs.35 lakhs to respondent Nos. 4 and 5 and filed an additional affidavit affirmed on 11.07.2022. Mr. Kanetkar tenders an affidavit of Moh. Aslam Mohammed Usman Shaikh, affirmed on 11.07.2022. We find, the affidavit has been signed by one S.K. Asif which Mr. Kanetkar states is petitioner No.3. Therefore, certainly the Notary Public ought to have refused to affirm the affidavit since the person signing the affidavit is different from the one whose name appears in the affidavit.

4. In view of the above, notice be issued to Notary Public S.C.Sawant having his office at 101, Visaria Chambers, 1st Floor, 74 Janmabhoomi, Fort, Mumbai-1. The said Sawant shall show cause as to why his registration as a Notary Public should not be canceled. Notwithstanding disposal of this petition, the said Sawant shall remain present in court on 19.07.2022. He should also bring the notary register and file relevant pages of the notary register. Mr. Rajani on instructions undertakes to serve a copy of this order on Mr. Sawant.

5. Petition disposed.

6. Petitioner may also approach DRT, Pune for appropriate reliefs.

7. Petition though disposed, we list is 'for direction' on **19th July, 2022.**

[MILIND N. JADHAV, J.]

[K. R. SHRIRAM, J.]