

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13114 OF 2019

VS.

Bombay Mercantile Co-op Bank ... Respondents
Ltd and Anr.

None for the Petitioner.

Ms. Kalyani Wagle i/b. Mr. T. N. Tripathi for Respondent No. 1

CORAM : NITIN JAMDAR AND
GAURI GODSE, JJ.

DATE : 16 DECEMBER 2022

P.C. :

None for the Petitioner. The Petitioner has challenged the order dated 26 March 2019 passed by the Chief Metropolitan Magistrate under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 ("SARFAESI Act"). In spite of remedy available before the Debt Recovery Tribunal, Writ Petition is filed.

2. Petition from the date it was instituted has not been properly prosecuted. Since, twice none appeared for the Petitioner, it was dismissed for default. Thereafter it was restored again. The Petition has remained pending and it is listed on board in regular course.

3. Learned counsel for Respondent no. 1 states that since there was no challenge to the impugned order, Respondent no. 1 bank has proceeded and had put up the secured asset for auction. The auction is also completed and the auction purchasers are put in possession and sale certificate is issued in June 2020 itself. Perhaps that is the reason that the Petitioner has lost interest in prosecuting the Petition. Petition is dismissed for non-prosecution.

(GAURI GODSE, J.)

(NITIN JAMDAR, J.)

RAJESHWARI
RAMESH PILLAI

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