

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

WRIT PETITION NO. 11/2022

(RAJU MANSARAM BANKAR **VERSUS** BANK OF MAHARASHTRA, BHANDARA & OTHERS)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri Madhur Deo, counsel for the petitioner.
Smt. Ashwini Sakhare, counsel for the R-1 to 3.
Shri U.K. Bisen, counsel for the R-4.

CORAM : A. S. CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.

DATE : JULY 13, 2022.

The petitioner has sought to challenge notice dated 03.11.2021 that was issued by the respondent no.1-Bank proposing to auction the property owned by the petitioner. Since the Presiding Officer, Debts Recovery Tribunal was not available at the relevant time the petitioner has approached this Court.

On 04.01.2022, after referring to the contentions of the petitioner and especially the fact that the learned Presiding Officer was not available notice was issued and the parties were directed to maintain *status quo*. Today, it is informed by the learned counsel for the respondent no.4 that the learned Presiding Officer at the Debts Recovery Tribunal is now available.

In view of aforesaid, the learned counsel for the petitioner seeks permission to withdraw the writ petition with liberty to approach the Debts Recovery Tribunal.

Permission is granted.

For a period of fifteen days from today the order of status quo that is operating since 04.01.2022 shall continue to operate and that order would cease to operate automatically after that period. The Tribunal shall consider the petitioner's request of grant of interim relief on its own merits without being influenced by any observation made in this order. It is noted that this writ petition was filed on 03.01.2022 and hence it would be open for the petitioner to seek exclusion of aforesaid period till he files proceedings before the Tribunal within a period of fifteen days from today.

The writ petition stands disposed of as withdrawn.

All points raised on merits are kept open.

(URMILA JOSHI-PHALKE, J.)

(A. S. CHANDURKAR, J.)

APTE