

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 4529 OF 2023

SFPL Crop Life Science Private
Limited through its Directorate
Ashish Subhashchandra Karwa .. Petitioner

Versus

Union Bank of India and others .. Respondents

Shri Rameshwar F. Totala, Advocate h/f Shri Rahul R. Totala
a/w Shri Rajat Malu and Shri Swapnil Lohiya , Advocate for the
Petitioner.

Shri Atul A. Mishra, Advocate for the Respondent No. 1.

**CORAM : NITIN W. SAMBRE AND
S. G. CHAPALGAONKAR, JJ.
DATE : 19TH APRIL, 2023.**

FINAL ORDER :

. Present petition is directed against the order passed by the
Debt Recovery Tribunal, Aurangabad.

2. Mr. Totala, learned counsel appearing for the petitioner
submits that, the Presiding Officer of Debt Recovery Appellate
Tribunal, Mumbai is not available till 21st April, 2023 and as
such this Court must entertain petition thereby restraining the
respondent No. 7 from creating third party interest in relation to
the property of the petitioner which was auctioned by the
respondent No. 1 in favour of the respondent No. 7.

3. Learned counsel appearing for the respondent No. 1 informs that already sale certificate is issued in favour of the respondent No. 7 and possession is also handed over.

4. We have appreciated submissions of the rival parties.

5. The fact remains that the petitioner is seeking relief of *status quo* to be maintained by the respondent No. 7 in the matter of creating further third party interest till the Presiding Officer of D.R.A.T. Mumbai is available. The fact remains that petitioner has chosen not to prefer appeal till this date and is asking for relief against the respondent No. 7 in the matter, in our opinion, if same is illegal, it is always open for the D.R.A.T. to set aside same in an appeal which the petitioner may prefer. In that view of the matter, we are not inclined to grant any discretionary relief in favour of the petitioner. As such petition is **dismissed**.

[S. G. CHAPALGAONKAR, J.]

[NITIN W. SAMBRE , J.]

bsb/April 23