

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

930 WRIT PETITION NO.4874 OF 2023

NITIN NANDKUMAR PATIL AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH IT'S SECRETARY
AND OTHERS

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Advocate for Petitioners : Mr. Jadhav Kailas B.
AGP for Respondents : Mr. A R Kale

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CORAM : NITIN W. SAMBRE & S. G. CHAPALGAONKAR, JJ.
Dated: April 26, 2023

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PER COURT :-

1. Under the Act of 2014 in relation to Maharashtra Money Lending Regulation Act, the petitioners suffered an order, against which an appeal was preferred before the Divisional Joint Registrar, Nashik. Since the stay application moved in the appeal was not decided, this Court at the request of the petitioners in writ petitions directed the parties to maintain *status-quo*.

2. It is claimed that the sale deed executed in their favour is directed to be set aside with directions to hand over the possession. In this background, it is claimed that, in case if the order of the appellate authority goes against the petitioner, the same be stayed for a further period of two weeks.

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3. Learned AGP Mr. Kale would oppose the prayer as according to him, there is no basis for forming such an opinion about bias approach by respondent appellate authority.

4. Having appreciated the submissions, what can be noticed is, after the sale-deed was declared to be hit by the provisions of the Prevention of Money Lending Act, 2014, positive directions are issued for handing over possession of the property mentioned in the order, against which appeal is pending. In such an eventuality, we deem it appropriate to exercise our discretion in favour of the petitioners. We hereby direct that, in case, the appeal of the petitioners is decided against their interest, the status-quo granted by this Court shall be continued for a period of two weeks' from the date of communication of this order. Petition stands disposed off.

(S. G. CHAPALGAONKAR, J.)

(NITIN W. SAMBRE, J.)

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