

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

WRIT PETITION NO. 5038 OF 2023

**SHRI SANJAY BRIJLAL PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for the Petitioner: Mr. A. D. Shinde
AGP for Respondents/State: Mr. S. B. Yawalkar
...

**CORAM : NITIN W. SAMBRE &
S. G. CHAPALGAONKAR, JJ.**

Date : 02.05.2023

FINAL ORDER : [PER S. G. CHAPALGAONKAR, J.]

1. Under the Act of 2014 in relation to Maharashtra Money Lending Regulation Act (for short 'the Act'), the petitioner suffered an order, against which an appeal preferred under Section 18(4) of the Act before the Divisional Joint Registrar, Nashik and the same is pending.
2. The petitioner had also preferred an application seeking stay to the impugned order. However, no decision was taken on the stay application which forced the petitioner to file Writ Petition No.13360/2022. The said writ petition was disposed of vide order dated 17/02/2023 with direction to maintain *status-quo* in respect of the possession till final disposal of the appeal.
3. The petitioner apprehends that if the order of the appellate authority goes against him, the appellate authority would proceed to

dispossess him without giving him sufficient time to avail further remedy of filing the writ petition.

4. The learned AGP would oppose the contention of the petitioner.

5. 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 the possession of the property mentioned in the order, against which appeal is pending. In such eventuality, we deem it appropriate to exercise our discretion in favour of the petitioner in facts and circumstances this case, particularly conduct of respondent authorities. We hereby direct that, in case, the appeal of the petitioner is decided against his interest, the *status-quo* granted by this Court shall be continued for a period of two weeks from the date of communication of the order passed by the appellate authority.

6. The petition stands disposed of accordingly.

(S. G. CHAPALGAONKAR, J.)

(NITIN W. SAMBRE, J.)

Sameer