

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

WRIT PETITION NO.13138 OF 2023

**APEX URBAN COOPERATIVE BANK OF MAHARASHTRA
AND GOA LTD.**

VERSUS

THE DISTRICT MAGISTRATE, JALNA AND OTHERS

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Shri P.R. Katneshwarkar a/w Shri Vijay V. Deshmukh, Advocates
for the Petitioner.

Shri P.S. Patil and Shri S.K. Tambe, AGPs for Respondent Nos.1
and 2/State.

Shri S.B. Gorde, Advocate for Respondent No.3.

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CORAM : RAVINDRA V. GHUGE

&

Y. G. KHOBRAGADE, JJ.

DATE :- 19th October, 2023

Per Court :-

1. On account of the conduct of the learned Advocate Shri Vijay Vasant Rao Deshmukh, a disturbing situation was created in the Court. Today at 10:30 AM, Mr. Deshmukh approached us with a motion seeking an out of turn urgent hearing in the matter bearing Writ Petition No.13138/2023, which was at serial number 921 on the daily cause list dated 18.10.2023. He informed us that though this Court, vide the order dated 13.09.2023 in Writ Petition No.11441/2023, had

directed the District Magistrate, Jalna, to decide a pending application of the Mumbai District Central Co-operative Bank Limited, within 30 days in the light of Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, the District Magistrate is not hearing the intervention application of the Petitioner.

2. While he was addressing us on this point making a ground for an out of turn hearing, we called upon the learned AGP Shri Tambe to take instruction from the District Collector as to whether, audience could be granted to the present Petitioner so that his intervention application could be decided. At that juncture, Mr. Tambe suggested, rightly so, that this Petition be taken up after lunch and he could make some statement on instructions.

3. At this juncture, the learned Advocate Shri S.B. Gorde, who had appeared for the Petitioner in Writ Petition No. 11441/2023, addressed us and stated that the Shri Deshmukh was misleading the Court. Since there was an exchange of heated words, in order to avoid any controversy we stated that we would hear this matter out of turn after lunch.

4. When this matter was called out at around 04:15 PM, Shri.Vijay Deshmukh was not before the Court and the matter was being conducted by learned Advocate Shri P.R.Katneshwar. As the hearing progressed, Shri S.B.Gorde, the learned Advocate, pointed out that the Intervention Application of the Petitioner has already been disposed off by the District Collector, Jalna, vide the order dated 31.07.2023 and Shri Deshmukh had suppressed this from the Court in the morning.

5. We, therefore, requested Mr.Vijay Deshmukh to appear before us and justify as to why he had made the statement that the application was pending. Displaying audacity and no regret, Shri Deshmukh stated that this is mentioned in the Writ Petition, knowing fully well that he had stated the opposite when he moved his motion for an out of turn hearing in the morning and the petition was not before us. We deprecate the conduct of Shri Vijay Deshmukh.

6. Shri Deshmukh tenders an apology to the Court. The same is accepted.

7. We have heard the learned Advocates Shri Katneshwarkar and Shri Gorde. The learned Advocate for the Petitioner submits that since the application seeking intervention

has already been rejected vide the order dated 31.07.2023, that the Petitioner desires to challenge the said order. With this statement, he submits, on instructions, that the Petitioner desires to withdraw this petition.

8. In view of the above, **this Writ Petition is disposed off** as withdrawn.

9. Needless to state, we have not expressed any opinion about the rival contentions of the litigating parties and with regard to the merits of the pending proceedings between the two Financial Institutions.

kps

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)