

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 1289 OF 2023**

Baramati Sahakari Bank Ltd. .. Petitioner
 Versus
 Sushan Suresh Shewale and Anr. .. Respondents

WITH
WRIT PETITION NO. 1290 OF 2023

Baramati Sahakari Bank Ltd. .. Petitioner
 Versus
 Mayur S. Shewale and Anr. .. Respondents

WITH
WRIT PETITION NO. 1291 OF 2023

Baramati Sahakari Bank Ltd. .. Petitioner
 Versus
 Yogeshwar Petroleum and Anr. .. Respondents

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- Mr. Abhijit Kulkarni for Petitioner
 - Mr. Niranjan Mogare for Respondent No.1
 - Mrs. V. S. Nimbalkar, AGP for Respondent No.2 -State
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CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 31, 2023.

P.C.:

1. Heard Mr. Kulkarni, learned Advocate for Petitioner; Mr. Mogare, learned Advocate for Respondent No.1 and Mrs. Nimbalkar, learned AGP for Respondent No.2.

2. The present bunch of three Writ Petitions challenge the interlocutory order of stay of auction proceedings to be conducted by the Special Recovery Officer of the Petitioner Bank. Facts are identical

and hence common order is passed. The auction was supposed to be conducted yesterday. However, considering the challenge to the interlocutory order of staying the auction until the next date of hearing on 13.02.2023, the present Writ Petitions were mentioned for immediate hearing for urgent reliefs.

3. After perusing the record of the case it appears from the impugned order that the next date of hearing is 13.02.2023 of the Revision Application Nos. 14 of 2023, 15 of 2023 and 16 of 2023.

4. Mr. Kulkarni would submit that the order of the Divisional Joint Registrar granting stay of the proceedings is jurisdictionally invalid in view of the fact that the proceedings were not maintainable in the first place.

5. Be that as it may, the issues will have to be considered and adjudicated upon by the Divisional Joint Registrar. The objection raised by Mr. Kulkarni in respect of maintainability of the proceedings is however expressly kept open. It is directed that on 13.02.2023 i.e. on the next date of hearing, the Divisional Joint Registrar shall hear both the parties and after hearing them finally decide the Revision Application Nos. 14 of 2023, 15 of 2023 and 16 of 2023 by passing a reasoned order.

6. Parties are at liberty to file additional written submissions / case laws before the Divisional Joint Registrar on or before 13.02.2023 and exchange the same.

7. After hearing the parties on 13.02.2023 and or thereafter and closing the Revision proceedings for orders, the learned Divisional Joint Registrar to pass a reasoned order within a period of four weeks thereafter.
8. In view of the above, no directions are passed in so far as the impugned order is concerned. However, it is made clear that the Divisional Joint Registrar shall not be influenced by any observations made in the impugned order as well as today's order.
9. All contentions of both the parties are expressly kept open.
10. With the above directions, all three Writ Petitions are disposed.

[MILIND N. JADHAV, J.]

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SATISH
KILAJE

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