

DBM Educational Foundation ... Petitioner
vs.
Nagpur Sahakari Bank Limited and Anr. ... Respondents

CORAM : NITIN JAMDAR AND
ABHAY AHUJA, JJ.
DATE : 27 MARCH 2023

. Heard learned counsel for the Petitioner.

3 Thus essentially what the Petitioner seeks by this Petition is
restoration of the possession of property. Same inquiry which will

have to be undertaken for acceding to this request of the Petitioner would be undertaken in the appeal. Considering the fact that the Petitioner's appeal and stay applications are pending, we are not incline to entertain the petition. However, since during the pendency, possession of the property is lost, if Petitioners make a request for early hearing of the application/appeal, we have no doubt that the Debt Recovery Appellate Tribunal will consider the request sympathetically.

4 Since Respondents are not before us, we keep all contentions open, including the observations made by the Debt Recovery Tribunal that Petitioners have no concern with the property in question.

5 Writ Petition is accordingly disposed of.

(ABHAY AHUJA, J.)

(NITIN JAMDAR, J.)

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