

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 7346 OF 2023

Kotak Mahindra Bank Limited

...Petitioner

Versus

State of Maharashtra & Ors.

...Respondents

Mr. Rahul Karnik a/w Ms Jagruti Vemula, for the Petitioner.

Mr. Tushar Sonawane i/b Mr. Prashant Hagare, for Respondent Nos.
2 and 3.

Mr. C. D. Mali, AGP, for Respondent No. 1.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : 31st JULY, 2023.

P.C.:

. Heard.

2. Perusal of the impugned order dated 03rd February, 2023 shows that the entire order has been typed, however, the words “with ad-interim relief in terms of prayer clause ‘d’ ‘f’ and ‘g’ is allowed”, are hand written.

3. By the said ad-interim relief which has been granted, the Petitioner Bank is directed to release the goods i.e. milk powder

seized on 22 December, 2022 and further restrains officials of the Bank from causing damage or create any obstruction to the suit property. Considering that the entire order is a type written order, it is not comprehensible as to why the grant of the ad-interim relief is hand written, without any initial or signature of the District Judge as regards the hand written part. The impugned order has been passed till the filing of the say by the other party and this Court is informed that the matter has been fixed on 05th August, 2023 for hearing of the Misc. Civil Appeal No. 19 of 2023.

4. Learned Counsel appearing for the Petitioner- Bank submits that the Petitioner- Bank had filed its reply, however, the other Respondents have not filed their reply and such the matter is being deferred. He would further submit that the measures taken by the Petitioner- Bank under the SARFEASI Act, 2002 are sought to be stayed by the impugned order.

5. Considering that the matter is listed on 05th August, 2023 for hearing, the Appellate Court is requested to take up the hearing of the appeal on 05th August, 2023 and to decide the same expeditiously and in any event within a period of three weeks thereafter. As the stay is operating against the interest of the

Petitioner-Bank, irrespective of the replies not filed by the other Respondents, the Appellate Court to proceed with the hearing of the appeal.

6. The writ petition stands disposed of. Needless to clarify that all rights and contentions of both the parties are kept open.

(SHARMILA U. DESHMUKH, J.)