

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

WRIT PETITION NO.7974 OF 2022

The Sahebrao Deshmukh
Cooperative Bank Limited ... Petitioner
V/s.
Apex Automobiles and ors. ... Respondents

Mr.Vishal C. Ghosalkar, Advocate for the Petitioner.
Mr.Aniket Nangare i/by Mr.Nitesh Bhutekar, Advocates for
Respondent No.1.
Mr.Vijaykumar Dighe with Mr.Raj Shah, Advocates for Respondents
No.5 and 6.
Ms.Shruti D.Vyas, "B" Panel Counsel for the State/Respondent No.4.

**CORAM : NITIN JAMDAR AND
ABHAY AHUJA, JJ.
DATE : 2 MARCH 2023.**

P.C.:-

1. The Petitioner had challenged the action taken by the Respondent-secured creditor under section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 ("SARFAESI Act" for short).

2. The Petition came up on board from time to time orders were passed on 4 January 2023 and 7 February 2023.

3. The learned counsel for the Respondent No.1 tenders an affidavit stating that there was inadvertent mistake on the part of the Respondent No.1 in filing the affidavit and the Respondent No.1 was under the impression that there was an ad-interim order passed by this court when petitions on board were adjourned by way of the common order extending ad-interim order, if any, and there was protective order in the Co-operative Appellate Court. This interpretation of the Respondent No.1 is not correct as there was no separate order extending the order of the Co-operative Court. Be that as it may, since the Petitioner has accepted the mistake and has tendered unconditional apology and stated that he will not file such affidavits in future and that the possession of the property has already been taken, we do not intend to proceed further. Placing our disapproval of the conduct of the Respondent No.1 on record, the petition is disposed of.

(ABHAY AHUJA, J.)

(NITIN JAMDAR, J.)

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