

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 1862 OF 2023

(Mohammed Athar Jamal s/o Abdul Rahim Vs. The Tahsildar, Nagpur City & Anr.)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri R.K. Thakkar, Advocate for the petitioner.

Ms. N.P. Mehta, Assistant Government Pleader for respondent No.1/ State.

Shri Vijay Kumar Paliwal, Advocate for respondent No.2.

CORAM : A. S. CHANDURKAR AND M.W. CHANDWANI, JJ.

DATE : MARCH 29, 2023

Since the learned Presiding Officer was not available at the Debts Recovery Tribunal from 20/3/2023 to 23/3/2023, this Writ Petition at the behest of the petitioner who claims to be neither the borrower nor the guarantor was entertained. It is informed by the learned Counsel for the petitioner that on 24/3/2023, an application under Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 has been filed and the matter is now posted on 13/4/2023. The learned Counsel for respondent No.2 submits that the petitioner had filed proceedings in the year 2016 but disclosure of the same has not been made in the Writ Petition.

2] Our attention is invited by the learned Counsel for the petitioner to the application at page 14 of the Writ Petition bearing Misc. Application No. 23/2016 and the averments in paragraph 2 in that regard.

3] We do not wish to go into that aspect. Since the learned Presiding Officer is now available, all rights and contentions of the parties can be considered in the proceedings pending before the Tribunal.

4] In view of aforesaid, the Writ Petition is disposed of. No costs.

(M.W. CHANDWANI, J.)

(A.S. CHANDURKAR, J.)

SUMIT