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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

19 WRIT PETITION NO.14683 OF 2023

PANDHARINATH NAMDEO DHADGE AND ANOTHER
VERSUS
AUTHORIZED OFFICER, MOTILAL OSWAL HOME FINANCE
LTD., THROUGH ITS AUTHORIZED OFFICER AND OTHERS

....

Mr A. N. Raut, Advocate for Petitioners (**Absent**)
Mr B. R. Kedar, Advocate for Respondent Nos.1 & 2

WITH
CIVIL APPLICATION NO. 2280 OF 2024

AUTHORIZED OFFICER MOTILAL OSWAL HOME FINANCE
LTD THROUGH ITS AUTHORISED OFFICER AND ANR
VERSUS
PANDHARINATH NAMDEO DHADGE AND ORS

....

Mr B. R. Kedar, Advocate for Applicants

**CORAM : RAVINDRA V. GHUGE
AND
R. M. JOSHI, JJ.**

DATE : 26th March, 2024

PER COURT:

1. On 08/03/2024, we had passed the following order :-

“1. On 1st March, 2024, none appeared for the original Petitioners. Even today, after a pass over, none appears for the Petitioners.

2. The learned Advocate for the Applicant submits that the proceedings initiated by the Petitioners under Section 17 of Securitization and Reconstruction of Financial Assets

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and Enforcement of Security Interest Act, before the learned Debt Recovery Tribunal, has also been dismissed in default.

3. In view of the above, we are continuing the interim relief granted by the learned Vacation Court, until the next date.

4. Stand over to 26th March, 2024 in the "urgent orders" category.

5. List the Civil Application No. 2280 of 2024 along with this Writ Petition in the "urgent orders" category on 26th March, 2024."

2. The learned Advocate for the Petitioners had appeared in vacations before the learned Vacation Court and was granted interim protection by an order dated 24/11/2023. Amount of Rs. 5,00,000/- was deposited by the Petitioners in this Court. Thereafter, the learned Advocate has not remained present in the Court for the Petitioners. Even today, none appears though the matter is shown on the daily cause-list at Sr. No.19. No leave note has been entered by the learned Advocate for the Petitioners.

3. The learned Advocate representing Respondent Nos.1 and 2 submits that the proceeding initiated by the Petitioners before the Debt Recovery Tribunal at Chhatrapati Sambhajnagar, have been dismissed on 02/03/2024. It was during the pendency

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of the said proceeding, that the Petitioners had approached this Court for interim protection.

4. In view of the above and since the Petitioners are not remaining present before the Court repeatedly, **this Writ Petition is dismissed** for non-prosecution.

5. If the Petitioners approach this Court for withdrawal of the amount of Rs.5,00,000/- deposited in this Court, they are at liberty to file a Civil Application, which would be considered on it's own merits.

6. In view of the above, **Civil Application No.2280/2024**, filed by the Applicants/original Respondent Nos.1 and 2 in the Writ Petition, **stands disposed off**.

(R. M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)

sjk