
IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8941 OF 2024

Santosh Rajaram Kelkar & Anr

...Petitioners

Versus

State of Maharashtra & Ors

...Respondents

Ms. Kavita N. Solunke, *AGP for State-Respondent Nos.1, 4 & 5.*

Mr. Santosh Kelkar, *Petitioner present in-person.*

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : DECEMBER 26, 2024
(VACATION COURT)

P. C.

1. Let a notice be issued to Respondent Nos.2 and 3, at whose instance, recovery proceedings have been initiated against the Petitioner.

2. *Prima facie*, it is apparent from the face of the record that by an order dated November 29, 2022, a Learned Division Bench of this Court was pleased to direct the Petitioner to tender a sum of Rs.10 Lakh within the schedule stipulated therein, pursuant to which deposit, the recovery certificate dated March 10, 2021 would stand set aside. A fresh

computation was directed to be made by the said Respondents before initiating any further recovery proceedings.

3. It is the case of the Petitioner who is a party appearing in-person that despite such deposit, no fresh computation has been effected.

4. Before any orders can be passed, it would be necessary to hear Respondent Nos.1 and 2. Let a notice be issued to Respondent Nos.1 and 2 returnable on January 2, 2025, since possession of the property is scheduled for January 3, 2025. The Petitioner shall also effect private service, and file a service affidavit with tangible evidence to demonstrate service, on or before the next date.

5. Stand over to ***January 2, 2025*** for consideration of the Regular Bench, before the scheduled date of possession i.e. January 3, 2025.

6. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]