

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

**APPEAL FROM ORDER NO. 787 OF 2024
WITH
INTERIM APPLICATION NO. 14566 OF 2024
In
APPEAL FROM ORDER NO. 787 OF 2024**

Mrs. Nazma W/o. Late Aziz KhanAppellant
V/S
The Officer In-charge, Bank Of MaharashtraRespondent

Mr. J. B. Navlani i/b. Navlani Advocates for the Respondent

CORAM : M. M. SATHAYE, J.

DATED : 18th NOVEMBER 2024

P.C.:

1. Learned Counsel for the Respondent-Bank places on record the affidavit-in-reply dated 13/11/2024 to oppose the grant of relief in favour of the Appellant. The same is taken on record. Its copy is received by learned Counsel for the Appellant in the Court.
2. Learned Counsel for the Respondent-Bank submits that the impugned notice dated 29/07/2024, has not resulted into any auction and therefore fresh auction notice dated 06/11/2024 has been issued, which is annexed to the affidavit-in-reply.
3. The prayers in the plaint are only in respect of earlier notice dated 29/07/2024. Learned Counsel for the Appellant submits that this fresh

notice is issued during the pendency of the suit and therefore the Plaintiff will have to be amended. He submits that the Appellant will carry out necessary amendment in the suit and pending application/motion if any.

4. In that view of the matter, since the impugned order was passed based on the earlier notice dated 29/07/2024, which is now replaced by another notice, nothing survives in this Appeal from Order. The Appeal from Order is disposed of. The Interim Application does not survive and is also disposed of.

5. It is clarified that this Court has not gone into the merits of the matter and that the suit and the pending Application/motion if any, will be decided on its own merits.

(M. M. SATHAYE, J.)