

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 396 OF 2024

Shriram Housing Finance Ltd

.. Applicant

Versus

~~Rama Mahadev Davade~~

(since deceased) through his Legal Heirs

Somali Rama Davade & Ors.

.. Respondents

-
- Mr. Chetan C. Agrawal for Applicant

.....

CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 2, 2024

P. C.:

1. Mentioned at the time of rising.
2. Heard Mr. Agrawal, learned Advocate for Applicant.
3. By virtue of the impugned order dated 11.03.2024 passed by the learned Trial Court, Notice of Motion No. 22/2024 filed by Defendant No. 4 (Applicant herein) for rejection of Suit plaint under O. VII, R. 11 of the CPC has been rejected.
4. According to the Applicant, disbursement of land amount for the purchase of Suit flat was effected in favour of Defendant No. 2. According to the Applicant, disbursement request for loan was made by Defendant No. 2 and at his behest it was disbursed in favour of the Plaintiff.

5. In view of the submissions made by Mr. Agrawal which are recorded in paragraph No.7 of the impugned order and express bar of the provisions of Section 34 of the SARFAESI Act, the impugned order is required to be revisited by this Court.

6. An arguable case is made out by Mr. Agrawal for issuance of notice. Hence, issue notice to the Respondents made returnable on 16.08.2024. Humdast permitted. In addition to Court's notice, Applicant is directed to serve copy of the CRA along with copy of this order on the Respondents and inform them about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof on or before the next date. After receiving the notice, Respondents to file affidavit-in-reply on or before the next date, if so desired with an advance copy to the Advocate for Applicant.

7. Respondents are directed to remain present either by themselves or through their Advocate on the next adjourned date. It is made clear that if Respondents remain absent despite service on the next adjourned date, this CRA shall be heard and disposed of at the stage of admission in the absence of the Respondents.

8. Stand over to **16th August, 2024.**

[MILIND N. JADHAV, J.]