



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

CIVIL REVISION APPLICATION NO. 521 OF 2024

Mahalaxmi Co-operative Bank Ltd.

Thr. Its Authorized Officer

Prashant Hanmant Patki

...Applicant

Vs.

Akshay Anil Sarada and Ors.

...Respondents

Mr. Drupad Patil	Advocate for the Applicant
------------------	----------------------------

CORAM : S. M. MODAK, J.

DATE : 12th NOVEMBER 2024

P.C. :-

1. Not on board. The matter is taken on board by way of Praecipe moved by the Applicant-Bank.
2. Their application for rejection of the plaint filed as per provision of Order VII Rule 11 of the Civil Procedure Code was rejected by the trial Court. It is on the basis of the provision of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'SARFAESI Act'). That order is challenged by the Defendant/Applicant. This Court after hearing them on 25.07.2024 was pleased to stay the impugned order and directed

the trial Court not to proceed with the suit proceedings until the revision application is determined by this Court (para no. 7).

3. In the meantime, the trial Court has passed status-quo order on the application of the Plaintiff.

4. Today matter is mentioned for the purpose of clarification. Applicant only wants hearing of that Exh. 5-temporary injunction application to be taken by the trial court. **It is clarified that trial Court is at liberty to hear the Parties and to decide Exh. -5 temporary injunction application on merits.**

5. Copy of this Order be served on learned Advocate for the Respondents. He was informed of this circulation but not present.

6. **Parties to act upon an authenticated copy of this Order.**

7. Stand over to 26th November 2024, first on board.

[S. M. MODAK, J.]