

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION (ST.) NO.19212 OF 2024
IN
WRIT PETITION NO.7346 OF 2023

Kotak Mahindra Bank Limited .. Applicant
IN THE MATTER:
Kotak Mahindra Bank Limited .. Petitioner
Versus
State of Maharashtra and Ors. .. Respondents

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• Mr. Rahul Karnik, Advocate for Applicant / Petitioner.
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CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 23, 2024

P.C.:

- 1.** Mentioned. Not on Board. Taken on Board.
- 2.** Heard Mr. Karnik, learned Advocate for Applicant / Petitioner.
- 3.** Perused the praecipe dated 23.08.2024 and the Writ Petition.
- 4.** The facts in the present case are slightly shocking and hence this order is passed.
- 5.** Interim Application is filed by the Petitioner in Writ Petition No.7346 of 2023 seeking intervention of the Court for non-adherence of Courts order. Record shows that this Writ Petition was disposed of by order dated 31.07.2023. While disposing of the Writ Petition, a

direction was given in that order to the learned District Court seized of hearing Miscellaneous Civil Appeal No.19 of 2023 to take up hearing of the said Miscellaneous Civil Appeal on 05.08.2023 and to decide the same expeditiously and in any event within a period of three weeks thereafter. The three weeks on and from 31.07.2023 would end on 22.08.2023. Miscellaneous Civil Appeal was not heard by the District Court. It appears that Writ Petitioner filed a praecipe before this Court on 26.10.2023 and this Court (Coram :Amit Borkar, J.) passed an order extending the time to decide the Miscellaneous Civil Appeal by six months from 26.10.2023 onwards. This period of six months would end on 25.04.2024. The Miscellaneous Civil Appeal is still not decided by the District Court.

6. Thereafter it appears that an Application is filed under Section 24 of the Code of Civil Procedure, 1908 (for short ‘CPC’) seeking transfer of the proceedings from the concerned District Court to another Court by the Respondent. That Application stands rejected by order dated 14.06.2024. Further order is passed while hearing Miscellaneous Civil Appeal to adjourn the matter on 26.06.2024.

7. What this Court fails to understand is that once the District Court was directed an order of this Court dated 31.07.2023 to decide Miscellaneous Civil Appeal within three weeks, the District Court has not abided by that order. Thereafter despite this Court extending the

time for six months to decide Miscellaneous Civil Appeal on 26.10.2023, the District Court has not abided by this order also. This is therefore extremely serious. Orders passed by the High Court will have to be abided by the District Court and more specifically when specific orders are passed as in this case.

8. The Registry is directed to call for an explanation from the concerned Judge handling the Miscellaneous Civil Appeal after passing and also from the Principal District Judge as to what led the concerned Court not to decide the Miscellaneous Civil Appeal within the stipulated time as directed by the High Court in its twin orders dated 31.07.2023 and 26.10.2023 and keep it pending till today. Let that explanation be called and placed before this Court within a period of one week from today positively. Copy of this order shall be placed before Registrar, Appellate Side who shall immediately act upon this order and call for the explanation as directed.

9. Stand over to **28th August, 2024**. To be placed under the caption 'First on Board'.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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