



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

WRIT PETITION NO. 2272 of 2024

Manju Pravin Choudhari and others.

vs.

PNB Housing Finance Ltd., through its Authorized Officer, Nagpur and another.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri R.D.Dhande, Advocate for petitioners.

Shri Anand Deshpande, Advocate for respondent no.1.

Ms N. P. Mehta, Additional Government Pleader for respondent no.2.

CORAM :- NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE :- 3rd APRIL, 2024.

Heard.

2. We have perused the order dated 01.04.2024, for consideration of the contentions of the petitioners that the Presiding Officer, Debts Recovery Tribunal has not dealt with any of the issues raised by the petitioners.

3. It is claimed by Mr. R.D.Dhande, learned counsel for the petitioners that the petitioners had every intention to approach before the Debts Recovery Appellate Tribunal for questioning the said order. He would claim that for a period of four weeks, the action of taking physical possession by the respondents be deferred.

4. The aforesaid prayer is objected by the respondents including Mr. Anand Deshpande, learned counsel appearing for the respondent No.1-Bank on the count that the petitioners should be put to condition of deposit the amount.

5. We have appreciated the aforesaid submissions.

6. Apart from the fact that the impugned order does not reflect any reason which amounts to violation of Article 14 of the Constitution of India, the fact remains that in case if the petitioners approach the Debts Recovery Appellate Tribunal, which shall be duty bound by the statutory provision to deposit amount as shall be directed by the Debts Recovery Appellate Tribunal.

7. In this background, we deem it appropriate to dispose of the writ petition with a direction to the respondent no.2-Tahsildar, Kamptee, to defer the action of taking physical possession for a period of two weeks from today.

8. Needless to clarify that the order shall cease to operate without further reference to the Court. Further, we have not examined the merits of the matter and all contentions raised in this petition are kept open.

9. Learned Additional Government Pleader shall communicate this order to the Tahsildar, Kamptee.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

Andurkar.