



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

CIVIL APPLICATION (CAC) NO.86 OF 2023 IN
CIVIL REVISION APPLICATION STAMP NO.1975 OF 2023

HDFC Bank Ltd. Through its Authorized Officer, Nagpur and another
Vs.

Rekha Pradipkumar Dassani and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri S.D. Ingale, Advocate for applicants.

CORAM : M.W. CHANDWANI, J.
DATE : JANUARY 18, 2024.

This is an application for condonation of delay of one day in preferring the revision on the ground of the mistake in calculating the period of limitation.

2. For the reasons mentioned in the application coupled with the period of delay, the delay of one day in filing revision is hereby condoned. Registry to register the revision application.

3. The application stands disposed of.

CIVIL REVISION APPLICATION STAMP NO.1975 OF 2023

4. This application challenges the order dated 18.10.2022 passed below Exh.19 in Regular Civil Suit No.52/2022 by the learned Civil Judge, Junior Division, Arvi, District Wardha, thereby rejecting the application filed under Order VII Rule 11

of the Code of Civil Procedure by the applicants.

5. The contention is that the applicants are secured creditors and have initiated proceedings under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act (SARFAESI Act), 2002 in respect of suit property, whereas the daughter of the secured debtor has filed suit for declaration in respect of same suit property. It is submitted that jurisdiction of the civil Court is barred under Section 34 of the SARFAESI Act therefore the application came to be filed before the trial Court, which came to be rejected by the impugned order.

6. Issue notice to the non-applicants, returnable within two weeks.

7. The trial Court shall not proceed in the matter till next date of hearing.

JUDGE

Wagh