



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

CIVIL APPLICATION (CAC) NO. 43 OF 2024

Aditya Birla Housing Finance Ltd.

Vs.

Rajeev S/o. Late Shri Chunnilal Agrawal and others

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

Court's or Judge's Order

Shri M. Anilkumar, Advocate for applicant.

CORAM :- M. W. CHANDWANI, J.

DATED :- 21.03.2024

Heard.

2. The order dated 01.11.2023, passed below Exh.15, by the learned 8th Civil Judge Senior Division, Nagpur in Special Civil Suit No. 1040/2023, thereby rejecting the application of the applicant under Order 7 Rule 11 of the Code of Civil Procedure for rejection of the plaint is under challenge in this application.

3. The contention is that the applicant is a financial institution within the meaning of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act (for short, "SARFAESI Act") and prayed for rejection of the plaint filed by the non-applicants against the applicant. Reliance is also placed on Section 34 of the SARFAESI Act that the Court shall not grant any injunction.

4. Issue notice to the non-applicants, returnable within a week.
5. Apart from regular mode of service, service to the non-applicants by other permissible mode is granted.
6. Hamdast is granted.
7. Grant of interim relief will be considered on the returnable date.

(M. W. CHANDWANI, J.)