

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

1031 WRIT PETITION NO. 6739 OF 2023

SATISH VENKATRAO YAMDE

VERSUS

AJAYKUMAR BABRUWAN MAKANE AND OTHERS

...

Advocate for the Petitioner : Mr. Salunke Vasant Digambarrao

Advocate for Respondent Nos. 2 to 4 : Mr. Rakh Arun V.

Advocate for Respondent No.1 : Mr. Rodge Krishna Pratap

...

CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 09.12.2025

PER COURT :

1. Heard the learned Counsel for the respective parties.
2. By way of this petition, the petitioner assails the order dated 08.06.2023 below Exhibit 41 passed by the Civil Judge Senior Division, Nilanga in Special Civil Suit No. 6 of 2021, whereby, application filed by original plaintiff/petitioner for direction to original defendant Nos. 2 and 4/respondents to maintain status-quo came to be rejected.
3. The learned Counsel for the petitioner submits that at the application filed by the petitioner was rejected on the ground that the suit was not maintainable as there is bar of Section 34 of The Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.
4. This Court vide its order dated 21.06.2023 has passed the following order.

ORDER DATED 21.06.2023

1. Application filed by the petitioner/plaintiff against respondents/ defendants to maintain status quo in respect of the suit property till decision of Exhibit-5 application of interim injunction, is rejected by the trial Court by placing reliance on Section 34 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

2. It is the contention of petitioner that he not being borrower or guarantor is not entitled to invoke jurisdiction of DRT. He has filed the suit for declaration and perpetual injunction against defendants in respect of the suit property, which is sought to be attached by the bank under the provisions of Securitisation Act, 2002.

3. Issue notice for final disposal to the respondents, returnable on 26/07/2023. In addition, private service is permitted as per rules.

4. In the meanwhile, there shall be ad-interim relief in terms of prayer clause 'E' .

5. The learned Counsel for both the parties submit that the respondents have filed an application for rejection of plaint under Order 7 Rule 11 of the Code of Civil Procedure and the petitioner herein has filed application at Exhibit-5 for Temporary Injunction.

6. In view of the fact that the interim relief is in operation since 21.06.2023, therefore, by maintaining interim relief it is desirable to direct the trial Court to decide the both applications within stipulated period.

7. The learned Trial Court to decide both the applications within a period of 2 months from today.

8. In view of thereof the present Writ Petition is disposed of.

9. Interim relief granted earlier to continue till the trial Court decides both applications.

(SIDDHESHWAR S. THOMBRE, J.)

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