



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

923 WRIT PETITION NO. 13901 OF 2025

Sanjay Vishwanath Misal

VERSUS

The Divisional Joint Registrar And Others

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Advocate for the Petitioner : Mr. More Abhijit S.

AGP for Respondent-State : Mr. V. K. Kotecha

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CORAM : ARUN R. PEDNEKER, J.

Dated : November 21, 2025.

PER COURT :-

1. Heard the learned Counsel for the petitioner. He submits that the petitioner had taken a loan in the year 2012 and that the installments were regularly deducted from his salary account as per the standing instructions issued to the bank. The petitioner continues to be in employment and maintains his salary account with the same bank, wherein sufficient balance was available at all relevant times.

2. The learned Counsel submits that in October 2024, the bank did not deduct the loan installment despite the availability of sufficient balance. The petitioner had not issued any instructions to the bank to stop the deduction. He further submits that no mobile message or alert was received regarding the deduction of installment, and therefore the petitioner was unaware that the installment had not been debited. He submits that even if the entire outstanding amount is to be deducted, the same is available in the petitioner's account. Hence, the petitioner cannot be treated as a defaulter, and the funds are already lying with the bank.

3. The learned Counsel submits that despite this position, the District

Deputy Registrar, on an application filed by respondent no.4, disqualified the petitioner. Against this order, the petitioner filed an appeal along with an application for stay. The stay application came to be rejected, and therefore the petitioner has filed the present petition. He submits that the statutory appeal is pending and that, *prima facie*, the amount owed to the bank is available in the petitioner's account. Therefore, the appellate authority ought not to have refused stay to the order passed by respondent no.2.

4. Considering the submissions and the fact that the statutory appeal is pending, there shall be a stay to the operation of the order passed by respondent no.2 disqualifying the petitioner. However, this stay shall not come in the way of the appellate authority—respondent no.1 in deciding the pending appeal on its own merits. The appellate authority shall make an endeavour to dispose of the appeal expeditiously.

5. Issue notice to the respondents, returnable on 06/01/2026.

(ARUN R. PEDNEKER, J.)

vj gawade/-.