

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.12978 OF 2024
IN
WRIT PETITION NO.10889 OF 2024

Chaitanya Bahuuddeshiya Shikshan Prasarak
Mandal, Tal. Shirol, Dist. Kolhapur and Ors. .. Applicants-Intervenors

In the matter between

Auxilo Finserve Pvt. Ltd., Pune and Anr. .. Petitioners

Vs.

State of Maharashtra,
Through the District Magistrate, Kolhapur & Ors. .. Respondents

Mr. Samir Vaidya with Ms. Latika Kabad, Ms. Kavita Vijapure, Mr. Aditya Parmar and Mr. Zainaf Khan, i/by Mr. D.V. Sutar, Advocates for the Applicants-Intervenors.

Mr. Prathamesh Kamat with Mr. Nikhil Rajani, Advocates, i/by V. Deshpande & Co., for the Petitioners.

Mr. B.V. Samant, Additional Government Pleader with Mr. S.P. Kamble, Assistant Government Pleader for the Respondents.

Mr. Sandeep Upadhyay, Bank Officer, is present.

CORAM : A.S. CHANDURKAR &
M.M. SATHAYE, JJ

DATE : 17TH APRIL 2025.

PC. :

1. Pursuant to the order dated 13th February 2025, the possession of the secured asset was to be taken on 21st April 2025. However, it is submitted on behalf of the Petitioners that on 27th February 2025, the Maharashtra State Education, Research and Training Council has issued a Circular modifying the time period within which the annual examinations for Classes 1 to 9 in academic year 2024-25 are to be held. As per this

schedule, the said examinations are to conclude by 25th April 2025 and the results are to be declared on 1st May 2025, The Summer Vacation is to commence from 2nd May 2025. On this basis, a prayer is made to re-schedule the date for taking possession. This request is opposed by the learned counsel appearing for the Creditor by contending that on one pretext or the other, the taking over of possession is being delayed.

2. We have perused the Circular dated 27th February 2025. It does appear that the schedule of examinations has been revised. The last examination is on 25th April 2025 and results of the students are to be declared on 1st May 2025.

3. In that view of the matter, for aforesaid reasons, the date of taking possession is re-scheduled as “2nd May 2025”. It is open for the creditor to seek police protection while taking over possession. The School Authorities shall co-operate in the handing over of possession.

4. List for reporting compliance on 6th May 2025 under the caption “For Compliance”.

5. All concerned to act on duly authenticated or digitally signed copy of this order.

[M.M. SATHAYE, J.]

[A.S. CHANDURKAR, J.]