

rajshree

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (ST) NO.21241 OF 2024**

Sanjay K. Samantary	]	..	Petitioner
vs.			
State of Maharashtra & Ors.	]	..	Respondents

Ms.Dhanashree Hublikar i/b YMK Legal for the Petitioner.

**CORAM : ALOK ARADHE, C.J. &
BHARATI DANGRE, J.**

DATE : 7th FEBRUARY, 2025.

P.C.

1. A precipe is moved before us in the wake of non availability of the one of the member of the concerned Bench (Hon'ble Chief Justice and Amit Borkar, J.) which had passed an order on 14/01/2025.

The precipe seek correction in Para 2 Page 2 of the order which reads thus :-

2. The unit in question, bearing No.A/31, admeasuring 642 square feet carpet area on the 1st floor of Ghanshyam Co-operative Industrial Estate Limited, forms the crux of the petition. **The petitioner asserts ownership of the said premises, acquired through an auction sale conducted by the Debt Recovery Tribunal, Mumbai (the DRT) under Section 29 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993.** The petitioner contends that despite holding lawful title, respondent No.2 has unlawfully attached the property under Rule 107, ignoring the petitioner's non-involvement as a borrower or guarantor."

The corrected Para reads as follows :-

“2. The unit in question, bearing No.A/31, admeasuring 642 square feet carpet area on the 1st floor of Ghanshyam Co-operative Industrial Estate Limited, forms the crux of the petition. **The Petitioner through the registered Agreement for Sale has purchased the said premises from the Respondent No.5 i.e. Paramount Corporation, who had originally purchased the said premises through an auction sale conducted by the Debt Recovery Tribunal, Mumbai (the DRT) under Section 29 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993.** The petitioner contends that despite holding lawful title, respondent No.2 has unlawfully attached the property under Rule 107, ignoring the petitioner’s non-involvement as a borrower or guarantor.”

The order dated 14/01/2025 shall be read alongwith the present order.

(BHARATI DANGRE, J.)

(CHIEF JUSTICE)