

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.16687 OF 2023

M/s.Capitol Fibres Pvt. Ltd. & Anr.Petitioners

V/s.

TJSB Sahakari Bank Ltd. & Ors.Respondents

Mr.Manoj Harit a/w Mr.Niket Haris i/b Manoj Harit & Co., for the Petitioners.

Mr.Rajesh Nagore a/w Mr.Vinay Deshpande, Mr.Nikhil Rajani, Mr.Rupak Sawangikar i/b M/s.V. Deshpande & Co., for the Respondent Nos.1 and 2-Bank.

Ms.Kavita N. Solunke, AGP, for Respondent No.3

**CORAM : SHIVKUMAR DIGE &
SOMASEKHAR SUNDARESAN, JJ.**

**DATE : 28th DECEMBER 2023
(VACATION COURT)**

P.C:-

. Heard learned counsel for the Petitioners and learned counsel for Respondent Nos.1 and 2 and learned AGP for Respondent No.3.

2. The learned counsel for Petitioner submits that, Interim Application was filed by the Petitioner before the DRT-III to stay the possession Order dated 4th December 2023 as well

as impugned Order dated 6th October 2023. The said matter was heard at length by the Presiding Officer but after hearing the matter, without passing any Order, it is postponed to 7th March 2023.

3. The learned counsel for Petitioner further submits that the Respondent Nos.1 and 2 are going to take possession today. If this Court remit the matter to DRT-III for passing Order on heard Interim Application, the learned counsel for the Petitioner, on instructions, undertakes that, if his Interim Application is rejected Petitioner would hand over the possession of the suit property to the Respondent Nos.1 and 2, subject to his right to Appeal against the said Order.

4. The learned counsel for Respondent Nos.1 and 2 submits that appropriate Order to this effect may be passed.

5. Considering the submission of all learned counsel, it is directed that both the parties shall appear before the DRT-III at 3.15 p.m. The DRT-III shall pass the order on the already heard Interim Application filed by the Petitioner, by 4.00 p.m.

6. Considering the peculiar facts of the case, we pass

following order.

ORDER

- (i) The Writ Petition is disposed of.
- (ii) The DRT, Officer-III shall pass the Order on Interim Application by 4.00 p.m.
- (iii) The concerned Officer/Tahsildar, Igatpuri shall wait at the property until receipt of the DRT-III Order.

(SOMASEKHAR SUNDARESAN, J.) (SHIVKUMAR DIGE, J.)