Appeal Dy. No. 307/2019
Date: 23.01.2020

Bank of Maharashtra & Anr. Abhay Kumar & Ors.

Present: Shri A. C. Thakur, counsel for the appellant-Bank,

Heard the learned counsel for the appellants.

Learned counsel for the appellants submits that the Tribunal below has restrained the Bank from confirming the sale dated 26.08.2019 without there being any prima facie case in favour of the S.A. applicants and the auction purchaser is pressing hard to proceed further, therefore, the effect and operation of the impugned order be stayed.

The learned counsel further submits that the pleadings are complete before the Tribunal below, but no effective step has been taken in the matter, therefore, if deem appropriate, a direction may be given for disposal of the S.A. in the alternate.

Considered the arguments and perused the record.

It appears that vide order dated 29.08.2019, the Tribunal below has directed the Bank not to confirm the sale after analyzing the steps taken by the Bank. Thus, the interim order was passed considering the prima facie case and I find no ground to interfere in the impugned order.

However, the Bank has sold the property and the auction purchaser has deposited 25% of the sale price and also that the pleadings are complete as stated by the counsel for the appellants, I am inclined to direct the Tribunal below to decide the S.A. as expeditiously as possible preferably within three months from today in accordance with law, after affording opportunity of hearing to the parties and without being influenced by the observations made by it while deciding the interim application.

With these observations, the appeal is disposed off with no order as to costs.

A copy of this order be supplied to the parties as well as to the DRT concerned.

R. S. KULHARI
CHAIRPERSON

VN Giri

All corrections have been made/incorporated in the order/judgment.