

Appeal Dy. No. 393/2019

Date: 17.12.2019

Rajesh Kumar & Anr. Vs. Kotak Mahindra Bank & Ors.

Present: Shri S. K. Gupta, Advocate holding brief of Shri Saleem Akhtar, counsel for the appellants,
Shri S. K. Pandey, Advocate holding brief of Shri Rakesh Mishra, counsel for the respondent-Bank,
None for the other respondents,

Learned counsel for the appellants files affidavit of service.

No one appears on behalf of the respondent-Auction Purchaser despite the service.

Learned counsel for the appellants submits that the auction purchaser is enjoying the possession of the property, he may create third party interest at any time, therefore, the auction purchaser be restrained till next date.

Prima facie, there is substance in the submission and if third party interest is created in the meantime, it would cause complication in the matter. Therefore, the auction purchaser is restrained from creating any third party interest qua the property in question till next date.

Counsel for the respondent may file
reply on or before the next date.

List this case on 07.02.2020.

R. S. KULHARI
CHAIRPERSON

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