

Misc. Application Dy. No. 709/2023 in Regular Appeal No. 273/2014

Date: 13.03.2024

M/s Akash Ganga Airlines Ltd. Vs. Aryavart Bank

Present: Shri Ashok Pandey, counsel for the applicant,

Heard the learned counsel for the applicant.

Vide order dated 11.03.2024 of this Tribunal, the applicant was directed to take steps for service of notice through Dasti upon the respondent-Bank on the ground that the Bank is likely to take physical possession of the premises in question within three days. In this regard, affidavit of service has been filed by the appellant today, which is taken on record. This ^{is} an affidavit of Shivam Srivastava, S/o Ramesh Chandra Srivastava, wherein it is stated that he had gone to Bank for serving the Dasti notice along with order dated 11.03.2024 on the Regional Manager of the respondent-Bank, but he has refused to accept the same.

Let the respondent-Bank file reply by the next date.

An application has been filed by the applicant for recalling the order dated 06.02.2023, whereby the appeal was dismissed for non prosecution. ~~Thus, the~~ ^{is} order was not communicated by the previous counsel to the appellant and he also did not appear before this Tribunal. It is, therefore, prayed that the recall application may be allowed and the appeal may be restored as well as interest of the appellant may be protected.

Considering the facts and circumstances of the case and particularly the fact that the Dasti notice has been refused to accept by the respondent-Bank, the recall application is allowed and the appeal is directed to be restored to its original number.

List this case on 10.07.2024 for reply. Till then the parties concerned are directed to maintain the status quo qua the property in question, as it exist today, till the next date.

VN Giri


Justice R. D. Khare
Chairperson