xITEM NO.23 COURT NO.6 SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).18073/2010

(From the judgement and order dated 28/01/2010 in WP No. 1576/2009 of The HIGH COURT OF JUDICATURE AT BOMBAY)

M/S SHILPA SHARES & SEC.& ORS. Petitioner(s)

VERSUS

NATIONAL COOP BANK LTD.& ORS. Respondent(s)

(With appln(s) for exemption from filing O.T. and directions and appointment of receiver and PERMISSION TO FILE LENGTHY LIST OF DATES and with prayer for interim relief and office report)

Date: 24/09/2010 This Petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE T.S. THAKUR

For Petitioner(s) Mr. Vijay Hansaria, Sr. Adv.
Dr. Rajeev B. Mansodhar, Adv.
Ms. Sneha Kalita, Adv.
Mr. S.R. Setia,Adv.

UPON hearing counsel the Court made the following
O R D E R

Heard the learned Senior Counsel for the petitioners.

This Special Leave Petition has been filed against the impugned judgment of the High Court of Bombay dated 28.01.2010.

We have examined the Memorandum of Revision filed by the petitioners against the order confirming the auction sale. It appears that auction purchasers were not even impleaded in that Revision. It is a well settled principle

:1:

of natural justice that necessary parties must be impleaded in a case. In the case at hand, in the Revision the auction purchasers were certainly necessary parties, but they had not been impleaded. Hence, the Revision itself was not maintainable and, consequently, the Writ Petition and this Special Leave Petition are also not maintainable.

The Special Leave Petition is dismissed accordingly.

(Rajesh Dham)
Court Master

(Indu Satija)
Court Master