

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3896 of 2013

1. Shri Uttam Dagdu Dalvi,
Age 63 years, Occ: Business,
Proprietor of Varsha Auto Parts,
R/o Dalvi Building, Shrirampur,
Dist. Ahmednagar.
2. Mrs.Mira Uttam Dalvi,
Age: 58 years, Occ. household,
r/o. Dalvi Building, Shrirampur,
Dist. Ahmednagar.

...PETITIONERS

VERSUS

1. The Collector, Ahmednagar.
2. The Sub Divisional Officer,
Shrirampur Division, Shrirampur,
Dist. Ahmednagar.
3. The Nashik Merchants
Cooperative Bank Ltd., Nasik,
A Multistate Scheduled Bank,
Having its Administrative Office at
A-16, Padmashri Babubhai Rathi
Chowk, Subhashchandra Bose Marg
Industrial Estate, Satpur, Nasik
having its branch at Shrirampur,
Dist. Ahmednagar, through its
Branch Manager.
4. The Authorised Officer,
The Nashik Merchants
Cooperative Bank Ltd. Nasik,
A-16, Padmashri Babubhai Rathi
Chowk, Subhashchandra Bose Marg
Industrial Estate, Satpur, Nasik.

...RESPONDENTS

Mr. S.V.Adwant, Advocate for the petitioners.
Mrs. V.A.Shinde, AGP for respondent State.
Mr. P.B.Vikhe Patil, Advocate for respondent nos.
3 and 4.

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**CORAM: R.M.BORDE
AND
P.R.BORA, JJ.**

DATE : January 12th, 2015.

ORAL JUDGMENT: (Per R.M.Borde, J.)

1. Heard.

Rule. Rule made returnable and heard forthwith
with the consent of learned Counsel for the parties.

2. The petitioners approached the Debt Recovery
Appellate Tribunal, Mumbai, with an application bearing
M.A.No.380/2013 in Appeal No.116/2013, seeking
condonation of delay. The application was allowed by
order dated 15.4.2013, subject to deposit of amount of
Rs.4,00,000/- (Rs. four lacs) within a period of four weeks
from the date of order i.e. 16.5.2013 with the Registrar of
the Appellate Tribunal and, on condition of deposit of
amount, interim order was directed to be continued.
Since the petitioner made default in complying with the

directions issued by the Tribunal, the application tendered by the petitioner stood rejected automatically and interim order also stood vacated.

3. This Court, by an order dated 23rd July, 2013, permitted the petitioner to deposit an amount of Rs.4,00,000/- in this Court within a period of four weeks from the date of order and in compliance of the order, petitioner has made deposit of the amount as directed.

4. In this view of the matter, there shall be no impediment in directing the appellate Tribunal to deal with the proceedings pending before it in accordance with the provisions of law. Respondent no.3 also does not have any serious objection for issuing directions to the Tribunal to take decision in the matter on its own merits.

5. The amount deposited by the petitioner in this Court shall be permitted to be withdrawn by respondent no.3. Since the directions issued by the Tribunal have been complied with, the Tribunal is directed to decide the pending proceedings before it expeditiously and in

accordance with the provisions of law.

Rule is made absolute accordingly. No order as to costs.

(P.R.BORA)
JUDGE

(R.M.BORDE)
JUDGE

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AGP/3896-13wp