

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 24 OF 2015

SHRI VIJAYA AJILA (SINCE DECEASED)
THROUGH HIS LEGAL REP. SMT. GEETA
VIJAYA AJILA.

... Petitioner

Versus

THE MAHARASHTRA STATE FINANCIAL
CORPORATION THROUGH OFFICER SHRI
PRADEEP M. KAISSARY AND 5 ORS.

... Respondent

Shri Kishore Aroskar, Advocate for the Petitioner.

Coram:- C. V. BHADANG, J.

Date:- 28th September, 2015

P.C.:

Heard Shri Kishor Aroskar, the learned Counsel for the petitioner.

2. By this petition, under Article 227 of the Constitution of India, the petitioner is challenging the order dated 29/07/2002 passed by the learned District and Sessions Judge, South Goa, Margao in CMA No.42/2002. By the impugned order, the objection raised by the petitioner to the attachment and sale has been dismissed directing attachment as prayed by the original applicant, respondent no.1. At the outset, it needs to be mentioned that the petitioner is seeking to challenge the order after more than 12 years of its passing. Although it was submitted that the petitioner has sufficient reasons and grounds for the delay, the petition is conspicuously silent about any such reasons or circumstances which prevented the petitioner from

challenging the impugned order earlier. Thus, in my considered view, the petition deserves to be dismissed on the ground of inordinate and unexplained delay itself.

3. Secondly, it was submitted by the learned Counsel for the petitioner that an order was passed under Section 31(1)(aa) of the State Financial Corporation Act, 1951, on 13/01/2003. The provisions of Section 31(1)(aa) envisage enforcing of the liability of any surety. Indisputably, the petitioner is the surety to the loan. The learned Counsel submitted that the said order dated 13/01/2003 was sought to be challenged in an appeal before this Court in which there was a delay. It was submitted that this Court refused to condone the delay and, as such, indisputably the order dated 13/01/2003 has attained finality.

4. In either case, I do not find that any case for interference in the exercise of extraordinary jurisdiction of this Court is made out. In such circumstances, the petition is dismissed.

C. V. BHADANG, J.

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