

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO.299 OF 2014

IN

CIVIL REVISION APPLICATION (STAMP) NO.8795 OF 2014

Punjab National Bank and another

.. Applicants

Versus

R. S. Luth Education Trust and others

.. Respondents

Ms. Gargi Bhagwat i/by M/s. P. S. Legal, for the Applicants.

Mr. P. J. Thorat with Ms. Mallika Taly i/by M/s. S. Mohamedbhai & Co., for the Respondents No.1 to 4.

CORAM : R.M. SAVANT, J.

DATE : 09th MARCH, 2015

PC.

1. The above Civil Application has been filed for condonation of delay of 262 days in filing the above Civil Revision Application. The reasons why the delay has occasioned are mentioned in paragraph 3 of the Civil Application. It appears that the State Bank of India i.e. the Respondents No.5 and 6 to the above Civil Application had filed Writ Petition in this Court bearing Writ Petition No.7469 of 2013 challenging the same order dated 28th March, 2013 passed by the Trial Court. The said Writ Petition had come for admission before a Learned Single Judge of this Court on 3rd February, 2014. In the light of the challenge raised which is to

an order passed under Section 9A of the Civil Procedure Code the Respondents No.5 and 6 withdrew the said petition and filed Civil Revision Application No.248 of 2014. The Applicant has averred that an amount of Rs.33,88,72,946.05 are outstanding against the Respondents No.1 to 4. On behalf of the Respondents No.1 to 4 an affidavit in reply has been filed and the reasons mentioned in the Civil Application seeking condonation of delay are questioned. In my view, having regard to the fact that Applicant is Nationalized Bank and also having regard to the fact that it is the case of the Applicant that a huge amount is due from the Respondents No.1 to 4 who are its borrowers, it would be just and proper to condone the delay of 262 days in filing the Civil Revision Application. The fact that the Respondents No.5 and 6 have already filed a Civil Revision Application challenging the same order dated 28th March, 2013 also cannot be lost sight of. The Civil Application is accordingly allowed in terms of prayer clause (a). The Civil Application is accordingly disposed of. List the above Civil Revision Application along with Civil Revision Application No.248 of 2014 as and when the same is listed.

[R.M. SAVANT, J]