

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5179 OF 2015

Mrs. Tabassum Bano Mohammed Naeem Momin. .. Petitioner

Vs

ICICI Bank Ltd. And Others. .. Respondents

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Shri Dominic G. Rodriques for the Petitioner.

Shri R.L. Motwani for the Respondent No.1.

Ms. Smita R. Gaidhani for the Respondent No.4.

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CORAM : A.S. OKA &

K.R.SHRIRAM, JJ

DATED : 28TH AUGUST 2015

PC.

. The learned counsel appearing for the First Respondent pointed out that when the orders dated 18th May 2015, 11th June 2015, 26th June 2015 and 17th July 2015 were passed, the Debt Recovery Appellate Tribunal (Appellate Authority) was not available. It is not in dispute that there is a statutory remedy available to the Petitioner for challenging the impugned order dated 17th April 2015 passed by the Debt Recovery Tribunal.

2. The submission of the learned counsel appearing for the Petitioner is that in view of the peculiar facts of this case, this Petition was entertained by this Court.

3. After perusing the earlier orders, we find that it is not reflected from the earlier orders that this Court was inclined to entertain the Petition notwithstanding the availability of the statutory remedy. As stated earlier, when the ad-interim orders were passed by this Court, the Debt Recovery Appellate Tribunal was not available. It is not in dispute that now the Debt Recovery Appellate Tribunal is available.

4. Therefore, we dispose of the Petition by granting liberty to the Petitioner to adopt appropriate remedy in accordance with law. To enable the Petitioner to adopt appropriate remedy in accordance with law, the ad-interim relief granted earlier which is operative till today, is extended by a period of eight weeks from today.

5. If the Petitioner adopts appropriate remedy, the concerned Authority is bound to note that the present Petition was filed on 8th May 2015 and the same remained pending till today.

6. All contentions on merits are kept open.

(K.R. SHRIRAM, J)

(A.S. OKA, J)