

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

WRIT PETITION NO.7778 OF 2013

Canara Bank

.....Petitioner.

V/s

The Debt Recovery
Appellate Tribunal & Ors.

..... Respondents.

Mr. Prathamesh Kamat i/b Mr. N.K Kamath for the Petitioner.
Mr. A.Y. Sakhare, Senior Counsel alongwith Mr. Minesh Shah,
Mr. Gobinda C. Mohanty i/b M/s. Mohanty & Associates for
Respondent No.5.

**CORAM: V. M. KANADE &
REVATI MOHITE DERE, JJ.**

DATE: 14th January, 2015

P.C.:-

1. Petitioner is challenging the order passed by the DRAT dated 15/02/2013. By the said order, DRAT was pleased to dismiss the appeal filed by the Petitioner and confirm the order passed by the Presiding Officer.

2. The learned Counsel appearing on behalf of the Petitioner submitted that the DRAT has not given any separate reasons for dismissing the appeal. He further submitted that the submission of the Petitioner on merit has not been considered by the DRAT.

3. On the other hand, the learned Counsel appearing on behalf of Respondent No.5 has submitted that the Petitioner had earlier moved an application in which similar allegation was made and the said application was dismissed by order dated 13/04/2007 and the said order has attained finality since the Bank did not challenge the said order in appeal. It is submitted that the second application which was filed by the Petitioner before the DRAT, therefore, was barred by the principle of *res judicata*. He submitted that DRAT has considered the case of the Petitioner even on merit and has confirmed the order passed by the DRT.

4. We have perused both these orders. We do not see any infirmity in the said orders much less any illegality and therefore we are not inclined to interfere with the order passed by the DRAT. Petition is, therefore, dismissed.

(REVATI MOHITE DERE, J.)

(V.M. KANADE, J.)