

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9635 OF 2015

M/s. Dattatraya Electroplating Works and Ors.] ... Petitioners

Versus

Dena Bank and Anr.] ... Respondents

Mr. K. N. Kandekar for Petitioners.

Mr. R. L. Sethia for Respondents.

CORAM :- M. S. SONAK, J.

DATE :- OCTOBER 01, 2015

P. C. :-

1. Not on board. Upon production, taken on board.

2. Rule.

3. With the consent of and at the request of learned Counsel for parties, Rule is made returnable forthwith.

4. The challenge in this petition is to the order dated 18/09/2015 by which the Estate Officer has dismissed petitioners' recusal application dated 11/09/2015 on the ground that the petitioners applied for adjournment on the date on which the recusal application was posted for hearing.

5. Although, it does appear that the petitioners were not pursuing their application for recusal with requisite diligence, it is appropriate if yet another opportunity is granted to the petitioners. The learned Counsel for petitioners states that on the date to be now fixed, the petitioners will proceed with their arguments on the recusal application without seeking any adjournment.

6. In view of the aforesaid assurance, the impugned order dated 18/09/2015 is set aside. The recusal application dated 11/09/2015 is restored to the file of the Estate Officer. The Estate Officer to hear and decide the recusal application on the date to be appointed by him, which shall be on or before 21/10/2015. In fact, the matter is posted on 05/10/2015. Therefore, the petitioners to proceed with their arguments on the recusal application on the said date without seeking any further adjournment. Until the recusal application is disposed of, the Estate Officer shall not insist upon the petitioners proceeding with the cross-examination of AW 1. In case the recusal application is to be dismissed, the Estate Officer shall post the matter for cross-examination of AW 1 after a period of at least 15 days.

7. Rule is made absolute to the aforesaid extent. There shall be no order as to costs.

8. All concerned to act on basis of authenticated copy of this order.

(M. S. SONAK, J.)

CERTIFICATE

Certified to be true and correct copy of the original signed
Order.