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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION No.720 OF 2015

Smt.Shailaja N. Sharma and Anr.Petitioner
Vs.
Bank of Baroda and Anr.Respondents

Mr.N.V. Sharma - Petitioner No.2 present in person
Mr. A.R. Bamne for Respondents

CORAM : V. M. KANADE &
A.R. JOSHI, J.J.

DATE : APRIL 28, 2015

P.C. :

1. We have heard Petitioner No.2 in person, who is also an advocate by profession and the learned counsel appearing on behalf of the Respondents.

2. The Petitioner is aggrieved by an order passed by the DRAT in appeal filed by the Respondents – Bank of Baroda, seeking condonation of delay of 16 days in filing an appeal. It is submitted that in S.A. (No.23 of 2007) which was filed before the DRT -1, Mumbai, the Respondents -Bank has wrongly deleted Respondent No.3 viz. the Chief Recovery Officer. It is further submitted that the ground given by the Respondents-Bank of Baroda for condoning the delay was not correct and delay ought not to have been condoned.

3. It is not possible for this Court to accept these submissions made by Petitioner No.2, who is appearing in person. The DRAT had exercised the discretionary power vested in it while condoning the delay of 16 days and the DRAT also had given the cogent reasons while condoning the delay. Hence, we do not propose to interfere with the impugned order passed by the DRAT. So far as other grounds are concerned, the appeal was filed by the Bank of Baroda and they did not add the Chief Recovery Officer as a Appellant or as a Respondent.

4. In our view, at the best, it can be a technical irregularity and that cannot be a ground for setting aside the order passed by the DRAT. The writ petition, therefore, is dismissed.

[A.R. JOSHI, J.]

[V. M. KANADE, J.]