

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

W.P.No. 3046 of 2015

M/s Bhayyalal Gangadharji Jain vs. H.D.F.C.Bank Ltd. And another.

Notes, Office Memoranda of

Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's
Orders.

Mr. D.V.Siras, Adv. For petitioner.

Mr. G.K.Bhusari, Adv. For R-1.

Ms P.D.Rane, AGP for R-2.

CORAM: B.R.GAVAI & INDIRA K. JAIN, JJ

DATE : 13.7.2015

On the earlier date, when the matter was listed, we had made it clear to the learned counsel for the petitioner that we would interfere in the matter only if the petitioner expresses its willingness to deposit 50% of the amount with the respondent no.1.

On the last date, the learned counsel for the petitioner had sought time to take instructions in that regard.

The petitioner has filed a pursis stating therein that the petitioner is willing to deposit an amount of Rs.50 lacs within three months and Rs.7 lacs per month thereafter. The

petitioner has also sought recovery of the physical possession of the said premises on depositing Rs. 50 lacs.

According to the Bank the dues of the petitioner are an amount of Rs. 7 crore and odd till appeal is decided.

Since the petitioner has not shown its willingness to deposit 50% of the amount which according to the Bank is due, we are not inclined to interfere. Petition is rejected.

Needless to state that the petitioner is always at liberty to avail alternate remedy of appeal before the DRAT which has already been invoked by the petitioner.

JUDGE

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