

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

AND

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.34829 of 2015

ORDER: (*Per Hon'ble Sri Justice Vilas V.Afzulpurkar*)

This writ petition is a classical instance of abuse of process of Court. The petitioner has absolutely no *locus standi*, as he is stated to be the father of the borrower.

On the request of the learned counsel for the petitioner, we were willing to consider the offer of the petitioner to deposit the entire amount on behalf of the borrower/son of the petitioner, who has stated to have committed suicide on account of financial problems. It, however, transpires that the petitioner's wife was a guarantor and she has already approached this Court in W.P.No.34551 of 2015, questioning the selfsame notification proposing to conduct public auction on 20.10.2015. The said writ petition, however, was dismissed as withdrawn on 14.10.2015. In paragraph '3' of the affidavit, the petitioner stated as follows:

"I further submit that my wife filed a writ petition before this Hon'ble Court and the same was withdrawn."

No details of writ petition are mentioned in the affidavit. It is, therefore, not open for the petitioner to once again question the selfsame notification in the present writ petition.

With the assistance of the learned counsel for the respondent, we could peruse the copy of the earlier writ petition, which shows that it was filed on the selfsame allegations by the same counsel. The present writ petition therefore amounts to abuse of process of court and, therefore, the same is liable to be dismissed.

Accordingly, the writ petition is dismissed with costs of Rs.10,000/- (Rupees Ten Thousand only) payable to the Secretary, High Court Legal Services Committee, within a period of four weeks from today, failing which the order for recovery of costs can be executed in accordance with law.

Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

VILAS V. AFZULPURKAR, J

P.NAVEEN RAO, J

19.10.2015

v v/va