

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2022 OF 2014

Sanjay Manikrao Kulkarni Petitioner
Vs.
Manipal Housing Finance Company Respondent

Mr. Prasad B. Kulkarni i/by M/s. T.N. Tripathi & Co.
for the Petitioner.
Mr. Ramesh Jain for the Respondent.

CORAM: S.C. DHARMADHIKARI &
B.P. COLABAWALLA, JJ.

DATE : AUGUST 20, 2016

P.C:

1. Having heard the petitioner's Advocate and perusing the impugned order with his assistance of the Debts Recovery Appellate Tribunal, Mumbai, refusing to condone the delay, we are of the opinion that the discretion has been exercised reasonably, *bona fide* and not arbitrarily.

2. It is for the petitioner to show sufficient cause for the delay. The cause shown in this case for the delay of 210 days

was found to be wholly insufficient. It was totally vague and general in nature. If the parties do not state with clarity as to what prevented them from appearing before the Competent Court or the Tribunal on the date fixed for hearing of the proceedings, then, they must suffer all consequences in law. We cannot substitute our view with that of the Tribunal in this case simply because the petitioner's counsel requests us to take a sympathetic stand as the petitioner desires to settle the matter with the Bank.

3. We do not keep petitions pending or admit them merely because of this petitioner's belated desire to clear off the dues. It is entirely for him to approach the Bank and offer monies or make a proposal and the Bank/financial company shall consider it. Once we find that the writ petition cannot be entertained as the impugned order does not suffer from any legal infirmity, then, we have no alternative but to dismiss the writ petition. It is dismissed.

(B.P. COLABAWALLA, J.)

(S.C. DHARMADHIKARI, J.)