

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3887 OF 2015

Mr. Vishwanath Shetty	Petitioner
Vs.	
HDFC Bank Limited & Anr.	Respondents.

Adv. Priyanka Kothari with Vivek Phadke for the Petitioner.
Mr. Shashank N. Fadia for Respondent No.1.
Mr. Abhishek Adke i/by M/s. Legasis Partners for Respondent No.2.
Mr. Vishwanath Shetty, Petitioner present in the Court today.

**CORAM : ANOOP V. MOHTA AND
A.S. GADKARI, JJ.
DATE : 5 DECEMBER 2016.**

ORDER:-

Upon hearing the learned counsel appearing for the Petitioner, we are inclined to dispose of the present Writ Petition as the learned counsel for the Petitioner, on instructions of Mr. Vishwanath Shetty - the Petitioner, who is present in the Court, makes statement that the Petitioner will deposit an amount of Rs.25,00,000/- (Rupees Twenty Five Lacs only) within 5 weeks from today with the bank, in addition to the amount which is already with the bank.

2 This is, upon considering the facts and circumstances of the case and as the S.A. was dismissed for the reason for non-

depositing the amount so directed by order dated 28 January 2014 and by subsequent order dated 24 December 2014. Therefore, in the interest of justice and to give one more opportunity, we are permitting the Petitioner to deposit the said amount within 5 weeks with the bank. On condition of depositing the said amount with the bank, S.A. No. 155 of 2012, which was dismissed on the ground of non-depositing the amount, is revived. The learned Authority/Debts Recovery Tribunal-III, will decide the SA as early as possible, preferably within two months from today, on condition of depositing the said amount. It is made clear that, if the said amount is not deposited as per this order within the time so prescribed, the Petition shall be treated as dismissed, without reference to the Court's order.

3 In view of above, orders dated 28 January 2014, 24 December 2014 and 24 March 2015 are set aside and accordingly replaced by this order.

4 Writ Petition is accordingly disposed of in above terms. No costs.

(A.S. GADKARI, J.)

(ANOOP V. MOHTA, J.)