

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

WRIT PETITION NO. 4688 OF 2016

**Smt. Sabina Akbar Qureshi } Petitioner
 versus
State Bank of India } Respondent**

Ms. Priyanka Kothari with Mr. Vivek V.
Phadke for the petitioner.

Mr. G. D. Utangale i/b. M/s. Utangale and
Co. for respondent no. 1.

**CORAM :- S. C. DHARMADHIKARI &
 DR. SHALINI PHANSALKAR JOSHI, JJ.**

DATED :- APRIL 21, 2016

P.C. :-

1) Having heard the petitioner's advocate at some length, we do not find that the Debt Recovery Tribunal (DRT) has imposed any unreasonable, excessive or arbitrary condition. The interim order dated 7th October, 2014 was conditional. Then there is a further interim order of 3rd March, 2015, which was also conditional. The petitioner/applicant partly complied with it and then approached this court. It appears that this court gave time to parties to amicably settle the claim. That was not possible and it is in such circumstances that the petitioner/applicant once again approached the DRT. The presiding officer found that the litigant/applicant has been indulged on several occasions on pure

sympathetic grounds and no further indulgence can be shown to her. It is in these circumstances it made a conditional order. The first condition was to deposit a sum of Rs.10 lacs and on or before 13th April, 2016. There is admittedly default committed in that.

2) We once again inquired from the petitioner/applicant's advocate as to whether this sum can be brought and we would then consider her request to extend the time. However, though the matter was adjourned on more than one occasion to enable the petitioner's advocate to take instructions, today it is fairly stated that the petitioner could not arrange deposit of Rs.10 lacs. In these circumstances, the fair and just order of the tribunal that too interim in nature cannot be interfered with in our extraordinary, equitable and discretionary jurisdiction under Article 226 of the Constitution of India. The writ petition is dismissed.

(DR. SHALINI PHANSALKAR JOSHI, J.) (S.C.DHARMADHIKARI, J.)