

Ladda(PS).

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4179 of 2015

Jagdish C. Chhabria and Anr. ..Petitioners.

Vs.

Union of Bank of India and Anr ..Respondents.

None for the Petitioners.

Noor Ilyas for the Respondent No.1.

CORAM : ANOOP V. MOHTA AND
A.S.GADKARI, JJ.

DATE : 18 NOVEMBER, 2016.

ORDER :

1) The learned Counsel appearing for Respondent No.1 has placed on record the conditional order dated 9th September, 2015 passed by the Debt Recovery Appellate Tribunal (DRAT), at Mumbai; whereby the petitioners were directed to comply with the condition of the deposit of the amount with clear observation that in case of default in payment of the first instalment, the appeal shall stand dismissed. The statement is also made that as there was non-compliance of the conditional order dated 9th September, 2015, the appeal itself was dismissed by order dated 26th November, 2015.

2) We have noted that the present petition was filed by the Petitioners even prior to the conditional order in question, so referred to above thereby challenging to the condition of deposit so contemplated under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act). There is no interim order granted by this Court and/or any order as prayed. The petition is pending since 20th April, 2015. Therefore, taking over all view of the matter, we see there is no reason to keep this petition pending as it has become infructuous even otherwise. The petition is accordingly disposed of as infructuous. No costs.

(A.S. GADKARI, J.)

(ANOOP V. MOHTA,J)