

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6616 OF 2016

Vijayprakash Deepnarayan Pandey & Anr. Petitioners

V/s.

Janseva Sahakari Bank (Borivali) Ltd.,
Borivali (West), Mumbai & Anr. Respondents

Mr. Ram M. Upadhyay for the Petitioners.

Mr. Amarendra Mishra for Respondent No.1.

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

DATE : 22ND JUNE, 2016.

P.C. :

1. Having heard Mr. Upadhyay, learned Advocate appearing for the Petitioners, at some length and perusing the Petition and the annexures thereto, including the impugned order, we do not think that the Presiding Officer of the Debts Recovery Tribunal-III, Mumbai, was in any error in refusing to condone the delay. The cause shown is not sufficient. The reasons assigned would demonstrate as to on several occasions, the matter was placed and neither the Petitioners-Applicants nor their Advocate remained present.

2. It is very easy to blame the Advocate. In para (6) of the impugned order, the Presiding Officer has found that, as a last resort, the Petitioners-Applicants blamed their Advocate. Such conduct on the part of the

Petitioners, therefore, does not merit interference in our equitable and extra-ordinary jurisdiction under Article 226 of the Constitution of India. This jurisdiction is discretionary as well.

3. The Writ Petition is devoid of merits and hence dismissed.

[DR. SHALINI PHANSALKAR-JOSHI, J.] [S.C. DHARMADHIKARI, J.]