

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 7807 OF 2015**

Dena Bank

....Petitioner

Vs.

M/s. Ceenar Apparels Pvt. Ltd. & Ors.

....Respondents.

Pradeep Sanchati, Sr. Adv. a/w Adv. S.A. Bhalwal and Adv. Usha Singh
i/by Vyas & Bhalwal for the Petitioner.

Mr. Yeshwanth Shenoy i/by Nahar Singh Mahala for Respondent Nos.
2 to 4.

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

DATE : 20 DECEMBER 2016.

ORDER:-

Rule. Rule made returnable forthwith.

Heard finally by consent of the parties.

2 Upon hearing the parties, we are inclined to dispose of the present Writ Petition by keeping all defences/contentions open on merits of the matter as the Appellate Tribunal by order dated 18 July 2014 dismissed the Appeal, whereby challenge was made by the Petitioner to order dated 20 August 2007, thereby the Review Application was dismissed.

3 The issue, therefore, at this stage, which we are deciding is only the aspect of rejecting the Application so filed by the Petitioner mainly on the ground of delay. In paragraph No.3, the learned Appellate Authority has wrongly mentioned that the Application for Review is filed after 3 years.

4 After considering the impugned order so passed and the challenge so raised and the Application so filed for the condonation of delay, which shows the prayer was to condone the delay in filing the Review of 1 month and 21 days only. The rejection of Appeal, therefore, in the background and in the facts and circumstances, in our view, is not going to solve the problem of resolving the dispute on merits. The Bank employees are involved and therefore, ultimately, the Petitioner bank's submissions to challenge the order, even if any, against the Bank employees need to be adjudicated in accordance with law and not only on the ground of delay. We are not expressing anything on the merits of the matter, however, we are inclined to condone the delay in filing the Review Application as the sufficient case is made out. Therefore, by keeping all defence open, the Appeal as confirmed and the order of rejection of Review, is also set aside.

5 In the result, Writ Petition is allowed. Review Application filed before the DRT-I is restored to file. The DRT-I to decide the same on merits in accordance with law, as early as possible, preferably within three months from today. All contentions on merits are kept open.

6 Writ Petition is accordingly disposed of with liberty. Rule disposed of accordingly. No costs.

(A.S. GADKARI, J.)

(ANOOP V. MOHTA, J.)