

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2357 OF 2014

International Asset Reconstruction Company Pvt. Ltd.	..	Petitioner
versus		
Arvind Achyut Datar & Ors.	..	Respondents

Mr. Rohit Gupta with Mr. Nikhil Rajani i/b. V. Deshpande & Co. for
petitioner.
Mr. M. G. Sakpal for respondents.

CORAM: D. H. WAGHELA, C. J. AND
M. S. SONAK, J.
DATE : 09 MARCH 2016

P.C.:

1] The challenge in this petition is to the order dated 18 June 2014 made by the Debt Recovery Appellate Tribunal (DRAT) dismissing the petitioner's appeal against order dated 1 March 2012 made by the Debt Recovery Tribunal (DRT) condoning delay in filing application for setting aside of exparte order.

2] During the pendency of the present petition, the DRT, in pursuance of the impugned order, has heard the respondents application for setting aside of exparte order and dismissed the same on merits. This is vide order dated 11 January 2016 made in Misc. Application No. 29 of 2012. As against this order, also the respondents have already instituted a substantive appeal before the DRAT.

3] In view of the aforesaid subsequent development, there is no necessity to entertain the present petition. However, the petitioner, is granted liberty to raise the contentions as set out in this petition, in the substantive appeal instituted by the respondents against order dated 11 January 2016 in Misc. Application No. 29 of 2012. The said objections can be considered by the DRAT upon principles analogous to those which permit the raising of cross objections. The DRAT can consider such issues, without being influenced by its earlier orders on this issue.

4] With the aforesaid observations and liberty, this petition is disposed of. It is made clear that this Court has not adverted to the merits of the contentions raised by either parties and all contentions are therefore left open for determination by the DRAT in the pending appeal.

5] All concerned to act on basis of authenticated copy of this order.

CHIEF JUSTICE

(M.S.SONAK, J.)