

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO. 4955 OF 2015
WITH
CIVIL APPLICATION NO.1574 OF 2015
IN
WRIT PETITION NO.4955 OF 2015**

Mr Yunus Peermohammed Tamboli and anr. ... Petitioners
v/s
Corporation Bank and another ... Respondents

Mr Vivek Phadke i/b M/s Kaikini Phadke and Associates for
Petitioners.
Ms Rathina Maravarman for Respondent No.1.
Mr Hrishikesh Giri i/b Mr Prashant Mohan Patil for Respondent No.2.

**CORAM : R.M. BORDE AND
A.S. GADKARI, JJ.**

DATE : JANUARY 09, 2017

PC.:

1. It is informed that the Petitioners have already moved Debt Recovery Appellate Tribunal to challenge the order impugned in this Petition and the Appeal is stated to be pending. The Petitioners are stated to have deposited the amount to the tune of Rs.13,81,000/-. Although there was a dispute on account of

cancellation of the demand draft of an amount approximately Rs.13,00,000/-, it has been pointed out that another demand draft has been deposited with the Debt Recovery Tribunal and an application tendered by the Respondent – Bank for withdrawal of the amount is also pending. In view of the fact as recorded above, this Petition can be conveniently dispose of by relegating the Petitioners to DRAT for pursuing their Appeal and for claiming interim orders. The interim order issued by this Court on 28th May 2015 shall remain operative for a period of four weeks from today. In the meanwhile, the DRAT shall make an endeavour to dispose of the Application made by the Petitioners for interim protection on its own merits.

2. It is clarified that we have not scrutinized the claim of the Petitioners on merits and it would be open for DRAT to take appropriate decision. Writ Petition is disposed of.

(A.S. GADKARI, J.)

(R.M. BORDE, J.)