

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.8116 OF 2016

Smt. Sunanda Shantaram Thete & Anr.	... Petitioners
vs.	
Union Bank of India	... Respondent

Mr. Prashant D. Patil for the Petitioners.
Mr. Nainesh Amin for the Respondent Bank.

Coram : **A.A. Sayed &
Manish Pitale, JJ.**
Date : 13 December 2017

P.C. :

1 This Writ Petition was filed in June 2016 essentially on the premise that though they have filed an Appeal before the Debt Recovery Appellate Tribunal, (DRAT), Mumbai, challenging the judgment and order dated 18-02-2014 passed in the O.A., for more than four months, the post of Chairperson, DRAT is vacant and the charge of the same is given to DRAT, Allahabad and the Petitioners being poor agriculturists were unable to bear expenses of travelling to Allahabad and engage an Advocate there and the recovery proceeding No.256 of 2015 filed against the Petitioners before the Recovery Officer, DRT II, Mumbai be not proceed with.

2 We are informed that the Chairperson, DRAT, Mumbai, has now been appointed. In the circumstances, the Petition is dismissed as infructuous.

3 Needless to say that interim order passed by this Court shall stand vacated. The Petitioners would be at liberty to seek interim orders before the Chairperson, DRAT, Mumbai. It is clarified that this Court has not examined the merits of the case and the Chairperson, DRAT, Mumbai, shall decide the Interim Application for stay on its own merits. We are informed by the learned Counsel for the Petitioners that the Appeal is now to come up for hearing before DRAT on 28 December 2017. Learned Counsel for the Respondent Bank states that until 28 December 2017 they shall not take steps to execute the Recovery Certificate. The statement is accepted.

(Manish Pitale, J.)

(A.A. Sayed, J.)

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