

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

WRIT PETITION NO. 8303 OF 2017

Krishnakumar Triveni Dubey .. Petitioner
Vs.
The State of Maharashtra & Ors. .. Respondents

...

Mr. Kunal Tiwari I/by Mr. K.R. Tiwari for Petitioner.
Mrs. A.D. Vatar, AGP for Respondent State.
Mr. Abhisheikh Patil for Respondent No.2 & 3.

**CORAM : K.K.TATED, J.
DATE : 24 JULY 2017.**

P.C. :

1. Not on board. At the request of Advocate for the Petitioner, the matter is taken on board for urgent orders.
2. Heard learned counsel for the parties.
3. By this petition under Article 227 of the Constitution of India, petitioner is challenging the order dated 3rd May, 2017 passed by Respondent No.3, Special Recovery Officer granting recovery certificate to the extent of Rs.3,43,424/- with 13% interest on principal amount.

4. Learned counsel for the petitioner submitted that Bassein Catholic Co-operative Bank Limited issued letter dated 11th July, 2017 stating that they received garnishee order for Current Account No.3865. Learned counsel for the petitioner submits that as on today amount of Rs.3,00,000/- is lying in their account. He submits for filing a Revision Application, the petitioner has to deposit 50% amount of claim. He submits that because of garnishee order it is not possible for them to withdraw the amount from the Bassein Catholic Co-operative Bank Limited.

5. The learned counsel for the petitioner states that petitioner may be granted liberty to file application before the Revision Authority for allowing them to withdraw the amount from the said current account from the Bassein Catholic Co-operative Bank Limited for complying with the statutory provisions for filing Revision Application. He further submit that petitioner may be permitted to withdraw the Petition with liberty to file Revision. To that effect he has given in writing. Same is taken on record and marked "X" for identification. The same is accepted. The same is allowed.

6. Writ Petition has been disposed of as withdrawn with liberty to the petitioner to file Revision Application challenging the

impugned order. Liberty also granted to the petitioner to make appropriate application before the Revision Authority for allowing them to withdraw the amount, which is required to deposit for filing the Revision Application from the current account No.3865 in Bassein Catholic Co-operative Bank Limited. If such application is filed, authority to decide the same on its own merit.

(K.K.TATED, J.)