IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.13261 OF 2018
IN
WRIT PETITION NO.13890 OF 2017

Mrs. Sharda Deepak Bhale,
Age: 43 years, Occu: Business,
Prop. of Sharda Caterers,
R/o Row House No.6/7,
Gut No.76/2, Behind Kasliwal
Marval, Beed By-pass, Satara Parisar,
Aurangabad ..APPLICANT

VERSUS

1. The District Magistrate,
At Aurangabad, Collector
Office Premises, Aurangabad,
Maharashtra State- 431001 & ors. ..RESPONDENTS

Mr A. M. Nagarkar, Advocate for applicant;
Mr S. Y. Mahajan, A.G.P. for respondent No.1;
Mr Pramod Gaikwad, Advocate holding for Mr S. S. Deve, Advocate for respondent Nos. 2 & 3

CORAM : PRASANNA B. VARALE
AND
SUNIL K. KOTWAL, JJ.

DATE : 29th October, 2018

ORAL ORDER:

Heard learned Counsel appearing on behalf of the applicant.

2. By way of present application, the applicant is before this Court with a prayer clause (B), which reads thus:-

> "B. The respondent Bank authority may kindly be restrained from taking any coercive action as against the applicant on the basis of the notice dated 09.10.2018 (Annexure-A-1)"

3. It is necessary to refer to certain facts. The applicant is before this Court in Writ Petition No.13890 of 2017, challenging the action of respondent Bank by way of a notice dated 14th November, 2017, issued by respondent No.2 and the impugned order dated 7th July, 2017 in Securitization Application No.227 of 2016, passed by respondent No.1.

4. Interestingly enough, on 5th December, 2017, the petitioner made a statement before this Court that she is willing to deposit the entire amount due and payable to the Bank within a period of two months. Mr Nagarkar, learned Counsel appearing on behalf of the applicant, by inviting our attention to the copy of the representation dated 17th October, 2018 submitted to the Bank, submits that the applicant had deposited an amount of Rs.40,000/- on 25th September, 2018, as such, the respondent Bank be directed not to take coercive action against the applicant/petitioner

5. The aforesaid representation clearly shows that large some amount is due and payable against the applicant/petitioner. The representation submitted to the respondent Bank only states that the applicant/petitioner had raised certain amounts and then it is stated that she has to incur expenses for her family and other needs and then she requests Bank that the

Bank may consider her request for depositing the amount by certain equal installments and then she further requests that Bank may also write off the penalty or interest and then rest of the amount be again permitted to be paid in 36 equal installments.

6. When the applicant/petitioner has made a statement before this Court way back on 5th December, 2017 that she will deposit entire amount due and payable within a period of two months, it was for the applicant/petitioner to abide by her own words and her undertaking to this Court. Without doing it, and waiting for a considerable period of one and half years, the applicant/petitioner approached the respondent Bank sometime in October, 2018 submitting before it that she is ready to deposit Rs.40,000/- and the said amount is deposited with the Bank and she be permitted to deposit rest of the amount in equal installments. If this is an approach of the petitioner, we are unable to entertain the application. This, by no stretch of imagination can be said as bona fide approach. Resultantly, the application is meritless and same deserves to be rejected at the threshold and is accordingly rejected.

(SUNIL K. KOTWAL, J.) **(PRASANNA B. VARALE, J.)**

sjk