

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

WRIT PETITION NO. 616 OF 2017

M/s. Jay Vijay Picture Palace through its partners ... Petitioner
V/s.
The Mayani Urban Co-op. Bank Ltd. & Ors. ... Respondents

Mr. A.V. Anturkar, Senior Advocate i/b Mr. Shubham Misar a/w Mr.
Rushikesh C. Barge for the Petitioner.

**CORAM : A.A. SAYED AND
RAVINDRA V. GHUGE, JJ.**

DATE : 24th APRIL, 2018.

PC. :

1 The Writ Petition impugns the order of DRAT dated 14.12.2009 confirming the order of DRT dated 05.10.2016 rejecting the condonation of delay in filing the Application under Section 17 of the SARFAESI Act. The only reason given in the Application for condonation of delay is found in paragraph 23 which reads as under :

“ Applicants submit that, Applicants have no intention to delay the matter. But Applicants submit that Applicants have no money to make expenses for the legal fight and it require the Applicants to collect the money from the well wishers and thereafter the Applicants first approached to Hon'ble High Court by filing the Writ Petition No.6548/08

and the same was withdrawn on 24/9/08 and the copy of which was received on 1/10/08, with permission of Hon'ble High Court to approach to this Hon'ble Authority. Applicants submit that after the High Court order there was no funds with the Applicants and therefore there cause delay to approach Hon'ble Authority."

(emphasis supplied)

2 In view of the concurrent finding of facts by DRAT and DRT that the explanation of the Petitioner that they had no funds was not a sufficient ground to condone the delay, this is not a fit case to exercise the writ jurisdiction of this Court to warrant interference with the impugned orders. It is required to be noted that the secured asset is transferred to the auction purchaser in the year 2008 i.e. about 10 years ago.

3 The Petition is accordingly dismissed. No order as to costs.

(RAVINDRA V. GHUGE, J.)

(A.A. SAYED, J.)