

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

WRIT PETITION NO. 1803 OF 2015

The Mahanagar Co-op. Bank Ltd. & Anr. Petitioners
 Vs.
 Pravin Haridas Kantharia & Ors. Respondents

Mr. P. A. Sarwankar i/b Sarwankar & Co. for the Petitioners.
 Mr. S. G. Lalchandani for the Respondent Nos.1 & 2.
 Ms.Mahal D.Joshi i/b Dharmendra M. Joshi for the Respondent No.3.

CORAM : A.A. SAYED &
V.L.ACHLIYA, JJ.

DATED : 2 JULY 2018

P.C.:

The DRAT vide the impugned order dated 16 October 2014 has refused to condone the delay of 318 days in filing the Appeal by the Petitioner.

2. While dismissing the Appeal, the DRAT has recorded that the reason mentioned by the Petitioners in their Affidavit that the Directors initially had agreed not to file an Appeal and thereafter they decided to file an Appeal, cannot be a ground to condone the delay.

3. In our view, no interference is warranted in the discretion exercised by the DRAT.

4. The learned Counsel for the Petitioners fairly stated that the reason for filing the cross Appeal, though the order of DRT was in favour of the Petitioners, was that certain adverse observations have been made in the order of DRT. We make it clear that it would be open for the Petitioners to canvass arguments in respect of the adverse observations, if any, made by the DRT in the Appeal filed by the Respondent No.1 before the DRAT, if so advised.

5. Subject to the above, the Petition is dismissed.

(V.L.ACHLIYA,J.)

(A.A.SAYED, J.)