

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6022 OF 2016

Shri Romiel Samuel & Ors.

...

....Petitioners

V/S

Dena Bank & Anr.

....Respondents

...

Mr. Rushabh M. Sheth a/w Mr. Rajesh Dubey i/b M/s. Bodhanwalla & Co.
for Petitioners.

Mr. Ajit M. Rajgole a/w Mr. Abhijit Desai i/b M/s. B.M. Gupta & Associates for Respondent No.1/Bank.

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**CORAM : A.A. SAYED &
M.S. KARNIK, JJ.**

DATE : 01 AUGUST 2018.

ORDER:

1 Learned Counsel for the Petitioners and learned Counsel for the
Respondent No.1/Bank are agreed to the following order being passed:

- i) The impugned order of the DRAT dated 3 February 2015 is set aside to the extent of the liability of the Petitioners;
- ii) The matter is remanded to DRAT to decide the issue of liability of the Petitioners afresh after considering the contention of the Petitioners which has now been raised before us that there is no invocation of guarantee against the Petitioners.

- iii) Needless to say that the Appeal shall be decided afresh without being influenced by the observations made in the impugned order;
- iv) Considering the fact that the Appeal is of the year 2006, the DRAT is requested to hear and dispose of the Appeal expeditiously.

2 The Petition is disposed of in the aforesaid terms. All contentions are kept open.

katkam

(M.S. KARNIK, J.)

(A.A. SAYED, J.)

Sudarshan
Rajalingam
Katkam

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Rajalingam Katkam
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