

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

**CIVIL APPLICATION NO. 2288 OF 2018
IN
WRIT PETITION NO. 9930 OF 2018**

M/s. Creative Art and Ors. **... Applicants**

V/s.

Axis Bank and Anr. **... Respondents**

Mr. Suraj Almeida for the Applicant.
Mr. Raju Shinde with Tamil Selvi Laxman for the Respondent Nos. 1
and 2.

**CORAM : K. K. TATED, &
N.J.JAMADAR, JJ.
DATE : 25th OCTOBER, 2018**

P.C.:

. Heard learned Counsel for the parties.

2 This application is preferred by Petitioner for restoration of Writ
Petition (L) No. 16217 of 2018 which stands dismissed for non
prosecution as per order dated 28.08.2018.

3 The learned Counsel for the Respondent Bank submits that even
the Petitioner failed and neglected to clear their dues as per
undertaking dated 18.06.2018, therefore, there is no question of
entertaining the present Writ Petition.

4 During the course of arguments, the learned Counsel for the

Respondent Bank submitted that as on 14.06.2018, a sum of Rs.1,96,71,935.74 are due and payable by the Applicant. Whereas, the learned Counsel for the Applicant submitted that as per statement of account provided by Bank a sum of Rs.1,37,10,000/- is due and payable only.

5 Considering this fact, when this Court called upon the Advocate for the Applicant to take instructions from his client, who is present in the Court that whether Applicant is ready and willing to deposit a sum of Rs.50 lakhs on or before 31.10.2018 to show his bonafide, he submitted that it is not possible for his client to do so.

6 In view of this fact and the reasons disclosed in the Civil Application, we are of the opinion that Applicant has not made out a case for allowing the Civil Application.

7 Hence, following order is passed:

- a) Civil Application is rejected.
- b) Applicant can move before an appropriate forum for their grievances, if any.

(N.J.JAMADAR, J.)

(K.K.TATED, J.)