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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12850 OF 2017

WITH

CIVIL APPLICATION NO. 160 OF 2018

IN

WRIT PETITION NO.12850 OF 2017

Isamuddin Talumuddin Khan & Anr. ... Petitioner

vs.

Union of India ... Respondent
through Ministry of Law and Ors.

Mr. Yogendra M. Kanchan for the Petitioner.

Mr.Mohamedali M. Chunawalla for Respondent no. 1.

Mr. A. R. Gole a/w. Ms. Dimple Tejani i/b. Ms.Medha Rane for
Respondent no. 2.

**CORAM : A.A.SAYED &
A.K. MENON, JJ.**

DATE : 21st NOVEMBER, 2018

P.C. :

1. The petitioner challenges the order dated 17th November, 2017 passed by the Debt Recovery Appellate Tribunal ("DRAT"). By the impugned order the petitioner was directed to deposit a sum of Rs.42,50,000/- by 20th November, 2017 failing which the appeal was to stand rejected. It is not in dispute that the petitioners have now deposited the said amount sometime in January, 2018 during the

pendency of this petition. In the circumstances, we pass the following order :

- (i) The Miscellaneous Appeal No. 119 of 2017 shall stand revived and shall be heard and disposed of on merits without being influenced by the orders passed in this Writ Petition.
- (ii) The amount deposited shall be invested in term deposit with the nationalised bank as directed in the impugned order of the DRAT.
- (iii) The Writ Petition to stand disposed of in the above terms.
- (iv) Civil Application will not survive and to stand disposed of.

(A.K. MENON,J.)

(A. A. SAYED,J.)