

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7991 OF 2019

Hitendra Karsandas Panchal and another	Petitioners
versus	
The Regional Manager, Central Bank of India and others	Respondents

Mr.Kamlakar L. Koli for Petitioners.
Mr.R.J.Singh for Respondent no.1.

CORAM : A.A.SAYED AND
PRAKASH D. NAIK, JJ.

DATE : 19th August 2019

PC :

1. The Petitioners have impugned the order dated 7th June 2019 passed by DRAT whereby the Application of the Petitioners for condonation of delay of 27 days in filing the Appeal, has been rejected. The reason for delay is stated to be financial constraints.

2. Considering the fact that the delay was only of 27 days, in the interest of justice and inasmuch as the learned Counsel for the Petitioners states that they are willing to deposit 50% of the amount as required u/s 18 of the SARFAESI Act, we are inclined to allow the Petition.

3. In the circumstances, we set aside the impugned order of DRAT dated 7th June 2019 and restore the Appeal to file. The delay of 27 days shall stand condoned. This order is subject to the condition that within a period of 30 days from today, the Petitioners

shall deposit 50% of the amount in the DRAT, as required under Section 18 of the SARFAESI Act. We make it clear that in the event the amount of 50% as stipulated above is not deposited, the benefit of this order shall not be available to the Petitioners and the Petition shall stand dismissed.

4. The Petition is disposed of in above terms.

(PRAKASH D. NAIK, J.)

(A.A.SAYED, J.)

MST