

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

WRIT PETITION STAMP NO.28264 OF 2019

Vaibhav Vasant Bodkhe

..Petitioner

Versus

State Bank of India

..Respondent

Mr. Niranjana Bhavake, Advocate for the Petitioner.

**CORAM : PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.
DATE : 2nd DECEMBER, 2019**

P.C.

1] After filing the Writ Petition on 22.10.2019 the Writ Petitioner is not taking any steps to remove the office objections and thus the Writ Petition has been listed before Court for appropriate orders.

2] The Petitioner admits being in default of the credit advanced by the Respondent Bank. The Petitioner admits that at the Lok Adalat held on 18.12.2018, SA No.19/2018 filed by the Petitioner under Section 17 of SARFAESI Act, 2002, resulted in a settlement. The Petitioner admits that in terms of the settlement the Petitioner defaulted. The Petitioner also admits that on 31.05.2019 the Bank proceeded to auction the secured asset and the highest bidder deposited 25% of the bid amount. The Petitioner pleads that he is expecting payments from third parties.

3] The grievance in the Petition is to the order dated 11.07.2019 passed by the learned DRT refusing to extend time to the Petitioner to deposit the amount in terms of the settlement at the Lok Adalat. The reasoning is that the Petitioner is just making the Bank and the Tribunal to hear jingle of money as against the auction purchaser who has the money.

4] Once the third party have intervened, it is expected that the Writ Petitioner should prosecute the Writ Petition diligently by ensuring that the office objections are removed. From the pleadings in the Petition it is apparent that the auction was conducted on 31.05.2019 and the auction purchaser has deposited 25% of the bid amount.

5] There are no pleadings in the Petition as to what happened about the balance 75% of the bid amount.

6] Be that as it may, since the Petitioner is not evincing any seriousness in prosecuting the Petition by not removing office objections, we reject the Petition as not pressed.

**Balaji G.
Panchal**

Digitally signed by
Balaji G. Panchal
Date: 2019.12.02
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SMT. BHARATI DANGRE, J

CHIEF JUSTICE