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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L) NO. 114 OF 2019

Naresh H. Makani ... Petitioner
V/s.
State of Maharashtra & Ors. ... Respondents

Pranil Sonawane and Alefiya S.M. and Reshma S. for the Petitioner.

Mr. V.N. Ajikumar with Mr. G.M. Nair for Respondent Nos. 2 & 3.
Deepali Patankar, for the State.

**CORAM: A.A.SAYED &
RIYAZ I. CHAGLA, JJ.**
DATE: 16TH JANUARY, 2019.

PC:-

1. Learned counsel for the Respondent Bank has pointed out that at least five Securitisation Applications were filed by the Petitioners in the Debts Recovery Tribunal (for short "DRT") and the Petitioners have failed to deposit the amounts as directed by the DRT. In paragraph 13 of the Petition, the Petitioners have averred as follows:-

13. The Petitioner states that, thereafter on several occasion he has challenged the notices issued by the Respondent No.2 to take physical possession of the said flat in pursuant to order before the Debt Recovery Tribunal at Mumbai & Pune. The Petitioner succeeded in restraining the Bank from taking physical possession, but every time conditional orders were passed whereby the Petitioner was directed to deposit huge amounts. However, since the Petitioner was not financially

capable to deposit the conditional amount, the protection granted to him was not continued. But despite the same, the Petitioner till date has deposited total amount of Rs.25 lacs in pursuant to conditional order passed by DRT, Mumbai.

2. The Petitioners have approached this Court without exhausting the alternate remedy of filing Appeals against the orders passed by the DRT, wherein the Petitioners would be required to make statutory pre-deposit of 50% of the dues, which can be reduced to 25% by the DRAT for reasons to be recorded in writing. Learned Counsel for the Respondent Bank pointed out that as of today the dues of the Petitioner are about Rs.10.72 Crores. We put to the learned Counsel for the Petitioners whether the Petitioners are willing to deposit 50% of the dues. Learned Counsel for the Petitioners on instructions candidly stated that it is not possible for the Petitioners to make any deposit.

3. In the circumstances, we are not inclined to entertain the Petition. The Writ Petition is dismissed.

(RIYAZ I. CHAGLA J.)

(A.A.SAYED, J.)