

Sharayu Khot.

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

WRIT PETITION (L) NO. 351 OF 2019

Mr. Nilesh S. Singh & Anr.

...Petitioners

Versus

Apna Sahakari Bank Ltd. & Ors.

...Respondents

Mr. Aloukik Pai, Mr. Tejas A. Luniya, i/b Thodur Law Associates,
for the Petitioners.

Mr. Nikhil Rajani, i/b M/s. V. Deshpande & Co., for the
Respondent No. 1.

Mr. Jayesh R. Patel, for the Respondents No. 2 and 3.

**CORAM : A.A. SAYED &
RIYAZ I. CHAGLA, JJ.**

DATE : 5 February 2019

ORDER :

1. An order dated 14th March 2018 was passed by
D.R.T. in Interim Application No. 390 of 2018 in Securitisation

Application No. 168 of 2018. The operative part of the said order reads thus:-

- “(a) The Applicants are directed to deposit with the respondent a sum of Rs.5 Lacs on or before 16.03.2018, and thereafter to deposit a sum of Rs.10 Lacs on or before 31.03.2018, and thereafter to deposit a sum of Rs. 15 Lacs on or before 30.04.2018 and thereafter Rs. 1,40,00,000/- on or before 31.05.2018, and thereafter to pay the entire balance outstanding dues without delay.*
- (b) The respondent bank is hereby restrained from taking physical possession of the suit property till 31st May 2018, but subject to such deposits.*
- (c) It is made clear that in the event of default in making any of the deposits as above, the respondent bank shall be at liberty to proceed further in the matter in accordance with law and in that event the present S.A. shall also stand dismissed.*
- (d) I.A. No. 390 of 2018 (Exh. 7) stands disposed off in terms of this order.”*

2. The Petitioners have failed to comply with the aforesaid order. On 31st January 2019 an order was passed by D.R.T. in the said SA No. 168 of 2018 declining to grant any reliefs in view of the Petitioners having failed to comply with the order dated 14th March 2018. Both the aforesaid orders are impugned in this Petition.

3. Instead of challenging the aforesaid orders before the D.R.A.T., wherein the Petitioner would require to make the statutory pre-deposit, the Petitioners have approached this Court seeking to set aside the aforesaid orders and also seeking various other reliefs.

4. Inasmuch as the Petitioners have an alternate remedy before the D.R.A.T., we are not inclined to entertain the Petition. The Petition is accordingly dismissed. There shall be no order as to costs.

[RIYAZ I. CHAGLA J.]

[A.A. SAYED, J.]