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

WRIT PETITION (L) NO.870 OF 2019

Mr. Milind S, Gaikwad & Ors. ... Petitioners
V/s.
Janseva Sahakari Bank Ltd. & Ors. ... Respondents

Mr. Gaurav Mehta, with Ms. Sonal Sanap i/b Apex Law Partners for the Petitioners.
Mr. Barsha Parulekar, for Respondent No.1.
M.S. Athalye, for the Respondent No.4.

**CORAM: A.A.SAYED &
R. I. CHAGLA, JJ.**
DATE: 18TH MARCH, 2019.

PC:-

1. The Petitioners have impugned an order dated 13th December, 2018 passed by DRAT in Miscellaneous Application No.733 of 2018 in Appeal No.68 of 2018 seeking waiver of the statutory deposit. The DRAT has directed the Petitioners to deposit a sum of Rs.46,25,000/- in two equal instalments. The first instalment to be deposited on or before 3rd January, 2019 and the second instalment to be deposited on or before 24th January, 2019 and on failure to deposit any single instalment would result in automatic dismissal of Appeal. It is an admitted position that the Petitioners have not complied with the aforesaid order.
2. Though the order was passed on 13th December, 2018, the present Petition has been filed only on 14th March, 2019. In

the entire Petition, there is no whisper about why the amounts directed to be deposited is required to be reduced and why the time to deposit be extended. We are informed by the learned Counsel for the Respondent - Bank that the secured asset was sold in auction as far back as on 22nd December, 2014 and the scheduled date of taking over physical possession is tomorrow i.e. 19th March, 2019.

3. In the circumstance, we do not see any grounds to interfere with the impugned order of DRAT in exercise of extraordinary writ jurisdiction of this Court.

4. The Petition is accordingly dismissed.

(R. I. CHAGLA, J.)

(A.A.SAYED, J.)