

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No.351 of 2020**

Ankita Mahendru D/o Ashwini Mahendru, Aged About 29 Years R/o A-55,
Transport Nagar, Korba 495 677, Chhattisgarh, India.

---- Appellant/Petitioner

Versus

1. State Bank Of India Having Its Office At State Bank Bhavan, Madame Cama Road, Nariman Point, Mumbai- 400021 Maharashtra, India.
2. Deputy General Manager, State Bank Of India (Stressed Assets Management Branch), State Bank Building, First Floor, Plot No. 1, Arera Hills, Bhopal- 462011, Madhya Pradesh, India
3. Reserve Bank Of India, Incorporated In Accordance With The Provisions Of Reserve Bank Of India Act, 1934, Office At Eastern Area Local Board, Situated At 15, Netaji Subhas Road, Kolkata- 700001, West Bengal, India.
4. Union Of India, Through The Ministry Of Corporate Affairs, Registrar Of Companies, Nehru Chowk, District Court Area, Bilaspur- 495001, Chhattisgarh India.

-----Respondents

For Appellant:	Shri Rajiv Bansal, Senior Advocate along with Shri Rishab Garg, Advocate.
For Respondents No.1 & 2:	Shri PR Patankar, Advocate.

Division Bench: **Hon'ble the Chief Justice**
& Hon'ble Shri Sanjay S. Agrawal, J

Order/Judgment On Board

14.10.2020

Per Sanjay S Agrawal, J

1. Heard on admission.
2. This Appeal has been preferred by the Writ Petitioner questioning the legality of the order dated 16.07.2020 passed by the learned Single Judge in W.P.(C) No.1383/2020, whereby it was dismissed holding to be barred by time.
3. Learned Counsel for the Appellant/Petitioner submits that the finding of the learned Single Judge dismissing the Writ Petition holding to be barred by

time is apparently contrary to law. According to him, the delay ought to have been condoned by adopting a liberal view in order to provide substantial justice to the Appellant/Petitioner.

4. It appears from the perusal of the record that the said Writ Petition was filed on 18.06.2020 by questioning the order dated 17.04.2018 (Annexure P-1) whereby, the Appellant/Petitioner was declared to be a willful defaulter by the Respondent Bank upon a personal hearing of her. The Appellant/Petitioner was, therefore, aware of the proceeding drawn by the said Bank, which led to the declaration of her being willful defaulter as such. Yet, no action was taken immediately thereafter for questioning the same. The reason which has been assigned for filing the said Writ Petition was that she was expecting a baby at the time of passing of the said order and was going through post partum depression. However, it was not revealed from the record that when she regained her consciousness so that it could be held that the alleged delay of more than two years in filing the said Writ Petition was explained sufficiently by her. According to her statement, the baby was born in December, 2018. It, therefore, appears that the Appellant/Petitioner had sufficient time for questioning the said order dated 17.04.2018 declaring her as the willful defaulter by the Respondent Bank, yet it was questioned only on 18.06.2020, i.e. after passing of more than two years of the said order.

5. In absence of any cogent and reliable material available on record, the conduct of the Appellant/Petitioner in approaching the writ jurisdiction in such a casual manner cannot be appreciated and in view of that, we are of the view that the learned single Judge has rightly turned down her explanation in filing the said Writ Petition.

6. Consequently, we do not find any infirmity in the order impugned so as

to call for any interference in this Appeal.

7. The Appeal is accordingly dismissed. No order as to costs .

Sd/-
(P R Ramachandra Menon)
CHIEF JUSTICE

Sd/-
(Sanjay S. Agrawal)
JUDGE

Priya