

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Amk

WRIT PETITION NO. 356 OF 2020

SVC Co-op. Bank Ltd.

.. Petitioner

Vs.

The State of Maharashtra & Ors.

.. Respondents

Mr. Nikhil Rajani i/b M/s. V. Deshpande & Co. for the Petitioner.

Mr. Y. S. Khochare, AGP for the Respondent-State.

CORAM : PRADEEP NANDRAJOG, C.J. &

SMT. BHARATI DANGRE, J.

DATE : 27th JANUARY, 2020.

P. C. :

1. We are not inclined to pass any directions as prayed for in the Writ Petition for the reason prayer made in that the order dated 29.08.2008 passed by the learned District Magistrate, Thane appointing the Tahasildar as the officer subordinate to him with a direction that the secured asset be taken possession of be directed to be implemented nearly 12 years after it was passed.

2. There are no averments in the Writ Petition as to what steps the Petitioner took by approaching the Tahasildar for execution of the order. There are no pleadings that the debtor or the guarantor or the mortgagor did not make any further payments after the notice dated 09.07.2005 under Sub-section 2 of Section 13 of the SARFAESI Act, 2002 was issued.

3. Delay and laches are recognized by law to decline relief to a party.
4. At this stage learned Counsel seeks leave to withdraw the Petition with liberty to re-visit this Court but after making adequate pleadings dealing with delay and laches and disclosing if any payments were received after the notice under Section 13(2) of the SARFAESI was issued.
5. Granting liberty as prayed for the Petition is dismissed as withdrawn.

[SMT. BHARATI DANGRE, J.]

[CHIEF JUSTICE]

Arjun
M.
Kadam

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by Arjun M.
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