

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

7 WRIT PETITION NO.3924 OF 2022

**SHANKAR RAMRAO KENDRE
VERSUS
THE CHIEF MANAGER ALIAS AUTHORIZED OFFICER UNION
BANK OF INDIA**

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Advocate for Petitioner : Mr. D. A. Mane h/f Mr. Talekar N. G.
Advocate for Respondent : Mr. A. A. Mishra.

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**CORAM : R. D. DHANUKA, AND
S. G. MEHARE, JJ.**

DATE : 29.03.2022

PER COURT :-

1. By this writ petition filed under Article 226 of the Constitution of India, the petitioner seeks the order and directions against the learned Presiding Officer, Debt Recovery Tribunal, Aurangabad to decide the restoration application bearing No.25 of 2022 along with stay application filed in S.A. No.3 of 2022.

2. Learned counsel for the petitioner, on instructions from his client undertakes that 25% of Rs.35,77,919.16 which amount is in arrears according to respondent-Bank would be

deposited with respondent-Bank by 10.30 a.m. tomorrow i.e. 30.03.2022 and the balance amount would be deposited within two weeks thereafter. Statement made by the learned counsel is accepted.

3. In view of the undertaking tendered by the learned counsel for the petitioner, on instructions, the auction of the mortgage property of the petitioner which is directed to be held tomorrow postponed till 18.04.2022. It is made clear that if the petitioner commits any default in making payment of the installment undertaken before this Court, the application filed by the petitioner seeking restoration application bearing No.25 of 2022 in the S.A.No.3 of 2022 along with stay application pending before the Debt Recovery Tribunal, Aurangabad to stand dismissed without further reference to the Court.

4. Learned counsel for respondent-Bank states that if the amount of Rs.35,77,919.16 is deposited by the petitioner within the time prescribed in the earlier paragraphs of this order the claim of the Bank would be satisfied. Statement is accepted.

5. The parties are at liberty to apply for an early date before the Debt Recovery Tribunal in the said restoration application bearing No.25 of 2022 along with the stay application filed in S.A.No.3 of 2022 after expiry of two (2) weeks from today if the entire amount is deposited by the petitioner with the Bank within the time prescribed for disposing off the said proceedings.

6. It is made clear that in view of the undertaking rendered by the learned counsel for the petitioner, we have not gone into the merits of the contentions raised in this writ petition.

7. Writ Petition is disposed off in the aforesaid terms. No order as to costs.

8. Parties are directed to convey this order to the Debt Recovery Tribunal by tomorrow for information and for adjourning the matter till 18.04.2022.

9. At this stage, the learned counsel for the petitioner states that certain amount is deposited with the respondent-Bank in the account No.344501010051056 opened by the petitioner with respondent-Bank. He has no objection, if the balance

amount lying in the said account is adjusted by respondent-Bank towards the second installment. Statement is accepted. Respondent-Bank is accordingly permitted to debit the balance amount lying in the said account and to appropriate against second installment undertaken to be paid by the petitioner today.

(S. G. MEHARE, J.)

(R. D. DHANUKA, J.)

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vmk/-