

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.12122 OF 2022

Aparna Sunil Pawar

.....Petitioner

Vs.

The Cosmos Co-operative Bank Ltd. & Ors.Respondents

Mr. Avinash Hari Fatangare for petitioner.

Mr. Anshul Anjarlekar i/b. Raval Shah and Co. for respondent no.1.

**CORAM : K. R. SHRIRAM &
A. S. DOCTOR, JJ.**

DATED : 12th OCTOBER 2022

P.C. :

1 Mr. Fatangare for petitioner states that he is only pressing for
prayer clause – (b), which reads as under :

*(b) That, this Hon'ble Court be pleased to issue a Writ, order
or direction or a writ of mandamus or any other appropriate
writ, directing the Respondent No.2 DRT-II, Mumbai to
decide the S.A. No.224/2022.*

2 Mr. Anjarlekar states that petitioner had filed Securitization
Application earlier being S.A. No.43 of 2014 which came to be dismissed by
an order dated 28th December 2020 and in the order it is recorded that
petitioner was not interested in pursuing the case. Mr. Anjarlekar states that
thereafter, petitioner filed S.A. No.224 of 2022 in which an interim
application was taken out by petitioner being Interim Application No.1740
of 2022 and interim relief was sought. On 27th July 2022 again petitioner
did not remain present. Even when the Securitization Application itself was

called out, none appeared for petitioner. Mr. Anjarlekar, therefore, submits that here is a petitioner who has been consistently absent before the DRT and the fact that petitioner had not appeared before DRT is also not disclosed in the petition.

3 Mr. Fatangare states that petitioner is a housewife and her husband Sunil Anandrao Pawar, who had filed S.A.No.224 of 2022 and Interim Application No.1740 of 2022 in the said Securitization Application is presently confined to bed having suffered paralytic stroke. Mr. Fatangare states that, therefore, it would help to reduce petitioner's agony if the said Securitization Application is heard expeditiously. Mr. Fatangare states that all medical reports will be filed before the DRT.

4 Petitioner to apply to DRT for early hearing and DRT may consider the same and fix such date as convenient to it and dispose the Securitization Application No.224 of 2022 as early as possible.

5 Mr. Anjarlekar states that on or before 15th October 2022 respondents shall permit petitioner to remove all the personal belongings of petitioner and her family members as per the panchanama dated 8th June 2022.

6 We direct the Chief Manager of Cosmos Co-operative Bank Ltd., Dadar Branch to personally remain present at Flat being Flat No.501, 5th Floor, Laxmi Gopal Hatiskar Marg, Prabhadevi, Mumbai – 400 025 at

11.00 a.m. on 14th October 2022 without fail and open the lock of the said flat and permit petitioner to remove all belongings as per the panchanama dated 8th June 2022.

7 Petition disposed accordingly.

(A. S. DOCTOR, J.)

(K. R. SHRIRAM, J.)