

Uday S. Jagtap

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 14179 OF 2017
WITH
CIVIL APPLICATION NO. 94 OF 2018
IN
WRIT PETITION NO. 14179 OF 2017

Judy Michael

.. Petitioner

Vs.

Standard Chartered Bank & Ors.

.. Respondents

.....

Ms. Deepti Panda i/b Subhash Bane for petitioner

Mr. R.L. Motwani for respondent no.1

Ms. Sangita Musale for respondent no.6

.....

CORAM : K. R. SHRIRAM &
PRITHVIRAJ K. CHAVAN, J.J.

DATED : 7th JUNE, 2022

P.C.

1. Petition impugns an order dated 11th December, 2017 passed by the DRAT rejecting the petitioner's application for condonation of delay in filing S.A.

2. Mr. Motwani submitted that contention of petitioner in the application cannot be accepted. Though, Mr. Motwani may have a point on merits of the matter, the issue is whether the DRAT should have been a little more considerate while considering the condonation of delay application.

3. We have considered the condonation of delay application from which it does appear that it is not a case where petitioner sat idle. Petitioner had taken various proceedings, *albeit* ill-advised proceedings. In our view, DRAT should have condoned the delay.

4. We, therefore, allow the petition in terms of prayer clause (a), which reads as under :-

“(a) this Hon’ble Court may be pleased to issue a writ of certiorari or a writ in nature of certiorari or any other appropriate writ, order or direction under Article 227 of the Constitution of India calling for record and proceedings of the Appeal No.308 of 2015 on the files of the Hon’ble D.R.A.T. Mumbai and after going through its legality, validity and propriety be pleased to quash and set aside the impugned Judgment and Order dated 11.12.2017 passed by the Hon’ble Chairperson D.R.A.T. Mumbai.”

5. We clarify that we have not considered the matter on merits and we have interfered only on the issue of condonation of delay. The DRAT shall hear the matter *de novo*.

6. We are informed that DRT(III) can now hear the matter. The concerned DRT shall hear the matter *de novo* and pass such orders as required in accordance with law. At the cost of repetition, we have not made any observations on the merits of petitioner’s case.

7. Petition disposed.

8. Statement made by respondent nos.4 and 5 shall continue until DRT disposes petitioner's application on merits.

9. In view of the disposal of the petition, pending Civil Application is also disposed.

(PRITHVIRAJ K. CHAVAN, J.)

(K.R. SHRIRAM, J.)