

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION (W) NO. 1333 OF 2022

IN WRIT PETITION NO. 2841 OF 2022

(Prafulla s/o Shridhar Vaidya Vs. Union of India, thr. Deputy Director, Bureau of Immigration, New Delhi & Anr.)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri Atul Pande, Advocate for the applicant/ applicant.
 Shri V.A. Brahme, Advocate for non-applicant No.1.
 Shri N.K. Fuladi, Advocate for non-applicant No.2.

CORAM : A. S. CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.

DATE : JUNE 24, 2022.

By this application, the applicant prays that the look out circular issued by non-applicant No.1 on the request made by non-applicant No.2 be stayed to enable the applicant to travel to Cambridge, United Kingdom from 18/07/2022 to 01/08/2022. It has been stated that the applicant's daughter has been blessed with a son and the applicant desires to travel to Cambridge, United Kingdom in that regard. In paragraphs 4 and 5 of the application, the details of place of his stay as well as his cell number have been disclosed. In paragraph 6 of the application, it is stated that the applicant would visit the Indian Embassy at London and mark his presence as directed.

The prayer is opposed by the learned Counsel for the non-applicants. Learned Counsel for non-applicant No.2 submits that since the Bank has to recover substantial dues from the applicant, such permission may not be granted. If the same is granted, the applicant could be directed to deposit some amount with the Bank.

We find that the question with regard to permitting a party against whom the recovery proceedings have been filed before the Debt Recovery Tribunal could be precluded from traveling abroad in view of issuance of look out circular has been considered in *Writ Petition No. 2826/2022 (Anurag s/o Padmesh Gupta Vs. Bank of India & Anr.)* decided on 07/06/2022. Considering that judgment, interim orders have been passed in *Writ Petition No. 3078/2022*

(*Padmesh Deodatta Gupta Vs. Bureau of Immigration, Ministry of Home Affairs and Ors.*) and connected Writ Petitions.

Hence, for the reasons assigned in the judgment in *Anurag Padmesh Gupta*, cited supra, and as we find that it is only at the request of non-applicant No.2 that non-applicant No.1 has issued the look out circular, the following order is passed :

ORDER

The applicant is permitted to travel to Cambridge, United Kingdom from 18/07/2022 to 01/08/2022 subject to furnishing undertaking in terms of paragraph 25 of the judgment in Writ Petition No. 2826/2022. The applicant shall attend the Indian Embassy once during his stay at Cambridge. In addition, the applicant shall furnish details as regards the place where the applicant would be residing in Cambridge, United Kingdom during the aforesaid period. Undertaking be filed in this Court prior to the scheduled date of departure.

Shri V.A. Brahme, learned Counsel shall communicate this order to non-applicant No.1. Similarly, the learned Counsel representing the Bank shall also communicate this order to the Bank to take necessary steps to facilitate the applicant's travel in terms of this interim order.

The Civil Application is disposed of.

WRIT PETITION NO. 2841/2022.

Put up along with Writ Petition Nos. 2827/2022, 2994/2022 and 2995/2022.

(URMILA JOSHI-PHALKE, J.)

(A. S. CHANDURKAR, J.)

SUMIT