

Meena

IN THE HIGH COURT OF BOMBAY AT GOA
MISC. CIVIL APPLICATION NO.298 OF 2023
IN
WRIT PETITION NO.442 OF 2022

MEERA A DSOUZA (SINCE DECEASED) THR ...Applicant
LRS., DEEPAK A DSOUZA
VS
STATE BANK OF INDIA AND 3 ORS ...Respondents

Mr. V.A. Lawande and Mr. Parimal Redkar, Advocates for the Applicant.

Mr. S.N. Joshi with Ms. S. Joshi, Advocate for Respondent No. 1

Mr. Devidas J. Pangam, Advocate General with Mr. G. Shetye, Additional Government Advocate for Respondent Nos. 2 and 3 – State.

Mr. P. Faldessai, Deputy Solicitor General of India for Respondent No. 4.

**CORAM: M.S. SONAK &
BHARAT P. DESHPANDE, JJ.**

DATE: 17th OCTOBER, 2023

P.C.:

1. Heard Mr. Lawande, learned Counsel for the Applicant, Mr. Joshi, learned Counsel for Respondent No.1, Mr. G. Shetye, learned Additional Government Advocate for Respondent No.2, and Mr. Pravin Faldessai, learned Deputy Solicitor General of India for Respondent Nos.3 and 4.
2. After this matter was argued for some time Mr. Lawande seeks leave to withdraw this application with liberty to challenge the order dated 19/04/2023

made by respondent No.3. However, he states that such a petition will be instituted within 4 weeks from today. He submits that based on the impugned order, the respondents may be restrained from making any recoveries from the applicant.

3. Mr. Lawande points out that the original petition was instituted by the applicant's mother. After the petition was disposed of, the applicant's mother unfortunately expired. He submits that a Show Cause Notice was issued against the deceased mother and based on the same order dated 19/04/2023 has been made. Further, he pointed out that the timeline set out by this Court in its judgment and order dated 10/10/2022 while disposing of Writ Petition No. 422 of 2022 was also not complied with.

4. Considering the above submissions, we think that the respondents must be restrained from effecting any recoveries from the applicant based upon the order dated 19/04/2023 for a period of 8 weeks from today. This is to enable the applicant to file the substantive Writ Petition to challenge the order dated 19/04/2023 and seek interim relief therein.

5. Accordingly, leave is granted to withdraw this Civil Application but the respondents are restrained for a period of 8 weeks from today from effecting upon the recoveries based upon the order dated 19/04/2023. Further, liberty is granted to the Applicant to institute a substantive petition to challenge the order dated 19/04/2023.

BHARAT P. DESHPANDE, J.

M. S. SONAK, J.