
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3341 OF 2021

Indian Overseas Bank

.. Petitioner/
Org.Applicant

Versus

M/s. Sudana Printers (Prop. Abhay
Raghunath Bhatawadekar since deceased
thorough his Legal Heirs 1a.Mrs.Shubhangi
Abhay Bhatwadekar) & Ors.

.. Respondents/
Org.Defendants

UTKARSH
KAKASAHEB
BHALERAO

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***Mr.Vishal Navale a/w Tejesh Dande, Vikrant Khare i/b
Tejesh Dande & Associates, Advocates for the Petitioner.***

***Mr.Ayush Kothari i/b Sanjana Ghogare, Advocates for
Respondents.***

**CORAM : B. P. COLABAWALLA &
M.M. SATHAYE, JJ.**

DATE : SEPTEMBER 01, 2023

P. C.

1. The above Writ Petition is filed inter alia challenging the order dated 16th December, 2013 passed in Original Application (OA) No.12 of 2011 passed by the DRT-1, Mumbai and order dated 11th December, 2019 passed by the DRAT, Mumbai in Appeal No.43 of 2014.

2. The Presiding Officer of DRT-1, Mumbai dismissed the Application filed by the Petitioner by a detailed order dated 16th December, 2013. In the said order, the Presiding Officer came to the conclusion that the Applicant/Bank has not produced any evidence to substantiate his claim. This was on the basis that the documents produced by the Petitioner Bank were all copies of the original documents and the Tribunal could not act on the basis of these copies.

3. This order was challenged by the Petitioner Bank before the DRAT, at Mumbai. The DRAT, Mumbai heard the Petitioner as well as the Respondents. It noted the arguments of the Petitioner Bank and by detailed order dismissed the Appeal.

4. The learned counsel appearing on behalf of the Petitioner fairly submitted that the reasons given in the impugned order for dismissing the Appeal of the Petitioner Bank are identical to the order passed by the DRAT on 11th December, 2019 in Appeal No.45 of 2014 and which was filed against Abhay Raghunath Bhatawadekar & Ors. He submitted that the order passed by the DRAT in Appeal No.45 of 2014 was challenged in this Court by filing Writ Petition No.7609 of 2023. That was dismissed by this Court vide its order dated 27th June, 2023.

He submitted that the order passed in Writ Petition No.7609 of 2023 would also cover the present matter.

5. Considering the statement made on behalf of the Petitioner we also dismiss the above Writ Petition for the reasons stated by us in the order dated 27th June, 2023.

6. The Writ Petition is accordingly dismissed. However, there shall be no order as to costs.

7. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[M.M. SATHAYE, J.]

[B. P. COLABAWALLA, J.]