



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10489 OF 2023

Hareshwar Packagings Pvt. Ltd. And Anr. .. Petitioners

Versus

Central Bank of India and Anr. .. Respondents

Mr. Rafeeq Peermohideen a/w Siddharth Samantaray i/b Preeti Barde, Advocates for the Petitioners.

*Ms. Tejavi Dalvi, Advocate for Respondent No.1/Bank.
Mr. Prateek Pansare i/b M/s. M.P. Rage & Co., Advocates for Respondent No.2.*

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

DATE : AUGUST 25, 2023

P. C.

1. The above writ petition is filed impugning the Order dated 10.08.2023 under which the Petitioners [the Appellants before the DRAT] were directed to deposit an amount of Rs. 37,42,212/- within a period of two weeks from the said date. The time to make the aforesaid deposit expired yesterday and the matter has been kept before the DRAT today for reporting compliance.

2. The learned counsel appearing on behalf of the Petitioners, after arguing the petition for some time, submitted that the Petitioners are not pressing the above writ petition, but are only seeking an extension of time of six weeks to deposit of amount of Rs.37,42,212/-. He submitted that this extension is sought because the property of which the sale is conducted and which is assailed before the DRAT is a residential property of Petitioner No.2, in which he along with his family members reside. In other words, it was a mercy plea seeking an extension.

3. This extension of time was vehemently opposed by the Respondent/Bank as well as auction purchaser on various grounds including the fact that despite auction purchaser paying full amount in 2010 and despite the sale certificate been issued in favour of the auction purchaser as far back as in 2017, the possession of the secured asset has not been handed over to the auction purchaser.

4. We have heard the learned counsel for the parties. We have also perused the impugned order. We find that the amount ordered to be deposited by the Petitioners is fair and reasonable amount. We do not find any infirmity in the impugned order, at least

as far as amount of deposit is concerned, to interfere with the same. However, considering that the property involved is a residential property of the Petitioners, purely out of mercy, we extend the time to comply with the Order dated 10.08.2023 [passed by the DRAT] upto 25.09.2023. We make it clear that if amount of Rs.37,42,212/- is not deposited in the DRAT on or before 25.09.2023, the Appeal filed by the Petitioners herein, before the DRAT, viz. Appeal No. 40 of 2019 shall stand automatically dismissed without further reference to the Court. If the amount of Rs.37,42,212/- is deposited on or before 25.09.2023, then the appeal shall be entertained by the DRAT and disposed of on merits.

5. The Writ Petition is disposed of in the aforesaid terms. However, there shall be no order as to costs.

6. 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.]