

SA Pathan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 479 OF 2018

IN

WRIT PETITION NO. 1814 OF 2017

Anil Shivnarayan Vaidya

....Applicant/Petitioner

V/s.

The Cosmos Co-operative
Bank Ltd & Ors.

....Respondents

.....

Ms. Ravina Jagtap i/by Avinash Kargo for the Applicant/
Petitioner.

Mr. Joel Carlos for the Respondent No.1.

.....

CORAM : NITIN JAMDAR &
ABHAY AHUJA, JJ.

DATE : 28 FEBRUARY 2023

P.C. :-

The Notice of Motion is filed for restoration of the Writ

Petition, which was dismissed for default, as none had appeared for the Petitioner, by order dated 25 September 2008.

2. The Application is filed on 10 October 2018. However, the same is circulated on a *praecipe* on 24 February 2023 and circulation was immediately granted. Though, we restore the Writ Petition, which is dismissed by way of default, the contentions of the Respondent-Bank that the manner in which this Petition and the Applications are prosecuted, are extension of conduct of the Petitioner as exhibited in the proceedings before the Debt Recovery Tribunal/Appellate Tribunal and confirms the views taken by the DRT/ Appellate Tribunal, it kept open.

3. It is open to the Respondents to urge this point when the Petition is taken up for consideration.

4. List the Petition on **17 April, 2023**.

5. The Notice of Motion is disposed of.

6. We make it clear that there is no interim order operating in this Petition restraining the Respondent-Bank from proceeding.

ABHAY AHUJA, J.

NITIN JAMDAR, J.