



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

Writ Petition No.7567/2023

(Rajendrasingh and others V Union of India and others)

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

Court's or Judge's orders

Mr. R.K. Thakkar, Advocate for petitioners.
Mr. M.G. Qubbawala, Advocate for respondent no.2.
Mr. N.R. Rode, AGP for respondent no.3.

CORAM : A.S. Chandurkar & Abhay J. Mantri, JJ

DATE : 08-11-2023.

The petitioners are aggrieved by the order dated 27-10-2023 passed by the Debts Recovery Tribunal, Nagpur refusing to grant further time for settlement of the loan account of the petitioners. The learned Counsel for the petitioners prays that some time be granted to file an appeal before the Debts Recovery Appellate Tribunal in view of the fact that on 27-10-2023 the Executive Magistrate had issued a notice with regard to possession of the mortgaged property being taken on 08-11-2023. The petitioners have tendered a Demand Draft bearing No.533414 dated 07-11-2023 for Rs. 2,00,000/-. It has been handed over to the authorized officer of the respondent no.2. Similarly, cheque bearing nos. 833462 dated 27-11-2023 for an amount of Rs.15,00,000/-, 833463 dated 30-11-2023 for Rs.5,00,000/- and 833464 dated 05-12-2023 for Rs.5,00,000/- have also been handed over to the learned Counsel for the respondent no.2. A further undertaking has been given that if the aforesaid cheques are not honoured the

petitioners would handover the possession of the mortgaged property to the respondent no.2.

2. The undertaking is accepted and the petitioners shall act in accordance with the contents therein. However, it is clarified that in case the petitioners file an appeal before the Debts Recovery Appellate Tribunal, the amounts indicated in the Pursis shall not be adjusted towards the amount of statutory deposits and that compliance before the Debts Recovery Appellate Tribunal shall be independently made. Accordingly with aforesaid directions and by noting the statement made on behalf of the petitioners that such appeal would be preferred within a period of 15 days, writ petition is disposed of.

(Judge)

(Judge)