



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
WRIT PETITION NO. 6150 OF 2022

(M/s. Kamakshji Hotels Pvt. Ltd. vs. Shikshak Sahakari Bank Ltd. and others)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr. Vikrant Giramkar, Advocate for the petitioner.

Ms.N.P.Mehta, Additional Government Pleader for respondent No.3.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : JUNE 13, 2024

Heard.

2) The appeal preferred under Section 18 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as 'SARFAESI Act',) came to be dismissed for want of prosecution vide impugned order dated 06/06/2019. The said order is questioned before this Court by preferring the present petition stating that the petitioner was under impression that the hearing of the appeal is likely to be preferred in view of the earlier incident of fire at the Office of Debts Recovery Appellate Tribunal(DRAT).

3) The aforesaid contentions are clearly based on the fact which the petitioner can bring to the knowledge of DRAT through an application for restoration of appeal. As such, we are not inclined to cause interference at this stage and relegate the petitioner to DRAT with liberty to move for restoration of appeal. With the above liberty, the petition stands disposed of.

4) Time prosecuting in the present petition be considered in case an issue of limitation is arises.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)