

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

(SR No. 902) WRIT PETITION NO. 4766 OF 2025

Naresh Kumar Gupta HUF through Coparcener ...Petitioner
Shailesh Naresh Gupta
Versus
Canara Bank And Ors ...Respondents

AND

(SR No. 6) WRIT PETITION NO. 4611 OF 2025

Kusum M Agarwal ...Petitioner
Versus
Canara Bank Limited And Ors ...Respondents

Mr. Mayank Bagla a/w Ms. Siddhi Bhutada and Mr. Aditya Indulkar,
Advocates i/b Ms. Siddhi Bhutada for the Petitioners in both Petitions.
Ms. Vaishali Bhilare, Advocate for the Respondent No.1/Bank.

**CORAM : A.S.CHANDURKAR AND
M.M. SATHAYE, JJ.**

DATE : 8th APRIL 2025

P.C. :

1. The grievance raised by the Petitioners in these writ petitions is the non adjudication of the applications seeking waiver of pre-deposit in the appeals preferred before the Debts Recovery Appellate Tribunal which are Appeal No. 4 of 2021 being aggrieved by the order dated 06.09.2021 and Appeal No. 15 of 2021 being aggrieved by order dated 30.05.2022 passed by the Debts Recovery Tribunal. Though such appeals have been filed in August 2022 along with the applications for waiver of pre-deposit [I.A.(D) No. 472 of 2022 and I.A.(D) No. 731 of

2022], the same are still pending. It is pointed out that on some occasions, the applications were heard and were posted for passing orders. However, till date the said applications have not been decided.

2. Considering these facts and as the applications for waiver of pre-deposit are pending for more than two years, it is directed that the said applications seeking waiver of pre-deposit be considered and decided on their own merits and in accordance with law within a period of eight weeks from the copy of this order being placed on record.

3. By clarifying that all aspects on merits are kept open, both the writ petitions are disposed of. No order as to costs.

4. The parties to act on an authenticated copy of this order.

(M.M. SATHAYE, J.)

(A.S.CHANDURKAR, J.)