

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9249 OF 2025**

Mohammed Hanif Syed and Ors.	... Petitioners
V/s.	
Kotak Mahindra Bank Ltd.	... Respondent

Ms Anita Castellino i/b Mehul Thakker for the Petitioners.
Mr. Mandar Soman a/w. Mr. Sanjay Anabhawane and
Adv. Tejaswi Nanchi i/b Medha Rane for the Respondent Bank..

**CORAM : M.S. KARNIK &
N.R. BORKAR, J.J.**

DATE : 8th JULY, 2025.

P.C.

1. Heard learned counsel for the petitioners.

2. An interim Application was filed by the petitioners in the Regular Appeal No. 343 of 2015 before the Debts Recovery Appellate Tribunal, Mumbai ("DRAT" for short) for striking off the defence. It is the contention of learned counsel for the petitioners that despite specific order dated 19th January 2018 passed by the DRAT directing the respondent Bank to permit the petitioners to take inspection of the documents that are listed in the application, such inspection is not given. Learned counsel further submitted that thus this is a fit case for striking off the defence.

3. Learned counsel for the petitioners has relied upon the following decisions to support the submission that defence can be struck off in such circumstances.

- 1. *Indore Development Authority vs. Satyapal Anand & Anr.*¹;**
- 2. *Akola Municipal Corporation vs. Purshottam P. Gawande*²;**
- 3. *Feroze Homi Duggan vs. Benzer Interiors Pvt. Ltd.*³;**
- 4. *Sanjay W. Bodke vs. Padmini N. Nair*⁴;**
- 5. *M/s. Babbar Sewing Machine Co. vs. Trilok Nath Mahajan*⁵; &**
- 6. *Sham P.S. vs. State Bank of India*⁶.**

4. We have gone through the impugned order passed by the DRAT. We find that the Hon'ble Supreme Court by order dated 2nd May 2025 in Miscellaneous Application (Diary) No.8984 of 2025 in C.A. No. 257 of 2016, preferred at the instance of respondents, directed the DRAT to immediately take up Appeal No. 343 of 2015 for hearing and decide it finally within a period of four weeks from 2nd May 2025.

5. The DRAT has recorded the findings that the inspection of certain documents was given to the petitioners in presence of the Registrar, DRAT, Chennai. It is further recorded that due to non-availability of certain documents and that the internal documents in connection with loan transactions are produced

1 AIR 2000 MP 74

2 2019(1)MHLJ 180

3 2006 (2) MHLJ 289

4 2015(2) MHLJ 846

5 (1978) 4 SCC 188

6 Writ Petition (Civil) No. 43713 of 2023 decided on 25th July 2024

in the form of typed set along with other documents, the directions of the Tribunal has been fairly complied with and therefore, there is no need to strike off the defence of the respondent bank. We see no reason to interfere with the order of the DRAT. The Writ Petition is dismissed.

(N.R. BORKAR, J.)

(M.S. KARNIK, J.)