

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 11021 of 2023**

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HIMANSHU PRAFULCHANDRA VARIA

Versus

BANK OF BARODA

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Appearance:

MR ANKIT B PANDYA(5906) for the Petitioner(s) No. 1

MR SHAAN M MUNSHAW(10825) for the Petitioner(s) No. 1

for the Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE NIKHIL S. KARIEL**Date : 10/07/2023****ORAL ORDER**

1. Heard learned advocate Mr. Shaan Munshaw on behalf of the applicant who has tendered a draft amendment. The same is granted. To be carried out during the course of the day.

2. Considering the submission made by learned advocate Mr. Munshaw that prior to the year 2023 when the applicant and his family members had applied for the financial facilities from various financial institutions, that the petitioner had come to know about being classified as a willful defaulter in the year 2020 and whereas also having regard to the fact that vide judgment in case of State Bank of India vs. Jah

Developers Private Limited, reported in (2019) 6 SCC 787, the Hon'ble Apex Court has inter alia laid down the law that before classifying a borrower as a willful defaulter, the principles of natural justice would have to be followed and whereas since it appears that such an opportunity had not been granted to the petitioner, issue **Notice to the respondent returnable on 07.08.2023.**

Direct service is permitted.

(NIKHIL S. KARIEL,J)

Bhoomi