

Ladda

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION**

WRIT PETITION No.2161 of 2015

Mr Feridoon Delkhah ..Petitioner.

Vs

Bank of Baroda ..Respondent.

Mr Chirag Balsara a/with Mr Puneet Gogad for the petitioner.

Mr Simil Purohit a/with Mr Nikhil Chandanani i/by M/s K. Ashar &
Co. for respondent No.1.Mr Mayur Khandeparkar a/with Ms Shreya Deshpande i/by Manisha
P. Gitay for Respondent Nos. 2 to 4.**CORAM : VM.KANADE &
A.R. JOSHI, JJ.****DATE : 17th March, 2015.****P.C.**

1) The grievance of the petitioner that he is tenant in respect of the property which is sought to be taken by the respondent bank on the basis of an order passed the learned Chief Metropolitan Magistrate, Esplanade, Mumbai dated 12th February, 2015. It is submitted that in view of the judgment of the Apex Court in the case of **Harshad Govardhan Sondagar Vs. International Assets Reconstruction Co. Ltd & Ors** in Criminal Appeal No. 736 of 2014 (arising out of S.L.P. (Cri) No.1666 of 2012) a tenant is entitled to protect his possession and the learned Chief

Metropolitan Magistrate has to give an opportunity of being heard to the tenant.

2) In our view, since no opportunity of being heard was given to the petitioner who is claiming to be the tenant of the premises, we set aside the impugned order and we direct the learned Chief Metropolitan Magistrate to give opportunity of being heard to the petitioner and thereafter pass an appropriate order in accordance with law. With these directions the petition is disposed of.

(A.R. JOSHI, J)

(V.M.KANADE,J)