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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION (Stamp) No. 8110 of 2015.

Ms Geeta Lalit Mehta ..Petitioner.

Versus

Development Credit Bank Ltd & Ors ..Respondents.

Ms Y.Y. Naik for the petitioner.

Mr Ashish Kamat a/with Mr Nikhil Rajani i/by V. Deshpande & Co.
for respondent No.1.

**CORAM : VM.KANADE &
A.R. JOSHI, JJ.**

DATE : 23rd March, 2015.

P.C.

- 1) Not on board. Upon mentioning taken on board.
- 2) Heard learned Counsel appearing for the petitioner and the learned Counsel appearing on behalf of the respondent-bank. The grievance of the petitioner is that though she is a registered licensee in respect of the suit premises, the bank is seeking to take possession of the said premises on the basis of an order passed by the learned Chief Metropolitan Magistrate dated 31st December, 2014. It is submitted that though application was filed by the petitioner before the Chief Metropolitan Magistrate seeking stay of possession the said application is fixed for hearing on 27th March, 2015 and possession is sought to be taken today at 12:30 p.m. by the bank.

3) A reliance is placed on the judgment of the Apex Court in the case of Harshad Govardhan Sondagar Vs. International Assets Reconstruction Co. Ltd. in Criminal Appeal No. 736 of 2014 (arising out of S.L.P. (Cri.) No. 1666 of 2012). It is submitted that the learned Chief Metropolitan Magistrate ought to have given hearing to the petitioner and stay the order permitting the respondent bank to take possession.

4) In the present case, we have seen the documents on record. The petitioner is claiming to be a licensee in respect of the said premises. The mortgage was relieved in 2011. Admittedly, the leave and licence agreement has been executed thereafter. Even, otherwise a licensee does not have any interest in the said property like a lessee and, therefore, on both these grounds the petitioner does not have any right to continue in possession. We are, therefore, not inclined to grant any relief in favour of the petitioner. The writ petition, therefore, is dismissed.

(A.R. JOSHI, J)

(V.M.KANADE,J)