

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4805 OF 2015

Deepak H. Mirchandani

..Petitioner

Vs.

The D. C. B. Bank Ltd and Another

..Respondents

Mr. R. R. Sharma, for the Petitioner.

None for the Respondents.

CORAM :- **V. M. KANADE &
B. P. COLABAWALLA, JJ.**

DATE :- **JULY 6, 2015.**

P. C.:

The grievance of the Petitioner is that, though he is the owner of the flat and has filed a suit for partition in this Court, the bank without disclosing this fact has obtained order under Section 14 of the SARFAESI Act. The Petitioner filed S. A. before the D.R.T., Mumbai, however, no interim protection was granted. He preferred appeal against that order. However, the Chairperson of the DRAT is not available on account of his illness. The Petitioner's apprehension is that warrant of possession may be executed in the

meantime.

2 In the facts and circumstances of the case, we, therefore, direct the bank not to take possession for a limited period giving petitioner the opportunity to approach the DRAT, Chennai or approach DRAT, Mumbai. In the event, the Chairperson resume office, we grant stay to the warrant of possession for a limited period of four weeks only. If the stay order is not obtained from the DRAT, the said interim protection shall come to an end. With these directions, the Petition is disposed of. All contentions of all parties are kept open.

[B. P. COLABAWALLA, J.]

[V. M. KANADE, J.]