

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2588 OF 2016

1.Shri.Sushil Kumar Tapuriah & Anr. ...Petitioners

Versus

1.Axis Bank Ltd. & Ors. ...Respondents

WITH

CHAMBER APPLICATION NO.561 OF 2016

Ms.Smita Vora i/b. Mr.Arzin A.K.Ansari, for the Petitioners.

Mr.Chetan Kapadia with Mrs.Lima Fadia i/b. Mr.Shashank N.Fadia, for Respondent No.1.-Axis Bank.

**CORAM : ANOOP V. MOHTA &
G.S. KULKARNI, JJ.**

DATE : 1st March, 2016.

ORDER:

1. Not on board, taken on board in view of the urgency expressed as other assigned Bench could not take up this matter.

2. Learned Counsel appearing for the Petitioners makes statement that against order dated 14th January,2016 passed by the DRT II, Mumbai, there is a statutory appeal available before the DRAT. The

Petitioners are agreeable to approach the DRAT against this order. In the meantime, a submissions is made on behalf of the Petitioners that the property in question in which the Petitioners have some share is put to an auction in view of various orders passed by this Court as well as DRT, and today at 2.30 p.m. the auction sell is fixed.

3. Therefore, at this stage to give an opportunity to the Petitioners to approach to DRAT, we are inclined to dispose of the present Writ Petition. Learned Counsel appearing for Respondent No.1 – Axis Bank submitted that there are various orders passed by this Court based upon which the properties are put to auction as no relief is granted to the Petitioners and/or other relatives revolving around the said properties.

4. However, considering the circumstances, at this stage to avoid further complication, we are not inclined to stay the auction proceedings so fixed today. However, Mr.Kapadia, learned Counsel appearing for Respondent No.1 fairly states that for two weeks they will not confirm the sale. This, in our view, is sufficient at this stage for the Petitioners to approach for appropriate relief, if any, against the impugned order dated 14th January,2016 passed by DRT. All contentions of the parties are kept open.

5. It is made clear that the Petitioners will give 48 hours notice to the Respondents before they move to appropriate Tribunal.
6. The petition is disposed of in view of the above observations.
7. Civil Application is also disposed of accordingly. No costs.

(G.S.KULKARNI, J.)

(ANOOP V. MOHTA, J.)