

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION {L} NO.1267 OF 2016

Walia Realtors Private Limited & Ors. Petitioners

Vs.

State Bank of India & Anr. Respondents

Mr. Mayur Khandeparkar with Mr. T.N. Tripathi i/by
T.N. Tripathi & Co. for the Petitioners.
Mr. K. Kaushik with Mr. Jai Navlani for the Respondent
No.1.

CORAM: S.C. DHARMADHIKARI &
DR. SHALINI PHANSALKAR-JOSHI, JJ.

DATE : MAY 03, 2016

P.C:

1. The petitioners are apprehending dispossession from immoveable properties, more particularly described at page 130 of paper-book, on 4-5-2016 at 2:00 p.m..

2. Mr. Khandeparkar, appearing for the petitioners, on instructions, states that against the order dated 29-2-2016 passed by the Debts Recovery Tribunal, Mumbai, copy of which is at page 114 of the paper-book, the petitioners have approached the Debts Recovery Appellate Tribunal. However, no

Presiding Officer/Chairperson of that Tribunal was available.

3. Now the petitioners are informed that the Chairperson of the Debts Recovery Appellate Tribunal at Allahabad will come down to Mumbai to take up urgent cases on 5th and 6th May, 2016. The petitioners' counsel, therefore, prays for direction against dispossession upto 6th May, 2016.

4. Having heard both sides on this point and finding that the petitioners could not avail of the alternate remedy for want of the Chairperson, we direct that till 6th May, 2016 the impugned notice shall not be acted upon.

5. This order is passed on the footing that the petitioners continue to hold the lands and have right, title and interest therein and have not parted with the same in any manner. They shall not do so until further orders of the Debts Recovery Appellate Tribunal.

6. The writ petition is disposed of.

(DR. SHALINI PHANSALKAR-JOSHI, J.)

(S.C. DHARMADHIKARI, J.)