

Nalawade

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.317 OF 2017

Mr. Haresh Jayantilal Mehta and ors. ...Petitioners.

Vs.

The Kapol Co-op. Bank Ltd. and ors. ...Respondents.

Mr. Ravi Prakash Jadhav for the Petitioners.

Mr. Haridas Rajendra Madhukar for the Respondents.

CORAM : R.M. BORDE AND

A.S. GADKARI, JJ.

DATE : 11th January, 2017

PC:

The petitioners are objecting to the order dated 16.5.2015 passed by the Chief Metropolitan Magistrate, Esplanade, Mumbai in Application No.264/SA/2014 below Exhibit-1. The Chief Metropolitan Magistrate while allowing the application appointed Assistant Registrar of Bandra Center of Courts, Mumbai as the Court Commissioner to take possession of the secured assets. It is informed that the order passed by the Chief Metropolitan Magistrate was subjected to challenge at the instance of the petitioners before the Debt Recovery Tribunal and the application has been dismissed. It would be open for the petitioners to avail of the remedy permitted by law. The petitioners submit that the property is not in their possession and they inducted tenants in the property. Even if it is assumed

that the tenants are possessing the property there is an independent remedy available to the tenants which can be availed of by them. Writ Petition is devoid of any substance and stands rejected.

(A.S.GADKARI, J.)

(R.M. BORDE, J.)