

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION No. 902 OF 2016

Mrs. Shobha Daji Patil

....Petitioner

Vs.

Axis Bank Ltd. and Ors.

....Respondents

Mr. Kuldeep U. Nikam for Petitioner

Mr. T.V. Dhotre i/b. Mr. Ajay L. Bhise for Respondent No.1

Mrs.R.A. Salunkhe -AGP for Respondent Nos.3 to 5

***CORAM : A.A, SAYED &
MANISH PITALE, JJ***

DATE : 18th December, 2017

P.C.

1. The Learned Counsel states that the present Petition can dispose of on the same terms as the order dated 26th April, 2017 passed in Writ Petition No. 1916 of 2016.

The order dated 26th April, 2017 reads as under:

“P.C.:

1. After the writ petition was argued for some time and we expressed our disinclination to grant any relief, particularly when there is a contrary version placed on affidavit on behalf of

Respondent, the learned advocate for Petitioner seeks leave to withdraw the writ petition with liberty to file an application/appeal under Section 17(1) of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 before competent Tribunal. The writ petition is allowed to be withdrawn and disposed of as such. We clarify that all contentions are kept open.

2. For a period of four weeks from today, the ad-interim order passed by this Court and modified subsequently, shall operate, but without prejudice to the rights and contentions particularly of the bank. No equities will be created because this arrangement is continued for a limited period. This order is passed because the ad-interim arrangement earlier made, was vacated by this Court expressly. Mr. Venegaonkar appearing for Axis Bank Limited, states that the Axis Bank has not moved for three months and more, to take possession of immovable land/property in question.”

2. We accordingly dispose of the Petition as withdrawn. All contentions are kept open. For a period of four weeks from today, the ad-interim order passed by this Court and modified subsequently, shall operate without prejudice to the rights and contentions particularly of the bank. No equities will be created because this arrangement is continued for a limited period. This order is passed because the ad-interim arrangement earlier made, was

vacated by this Court expressly. Mr. Venegaonkar appearing for Axis Bank Limited states that the Axis Bank shall not move for three months and more, to take possession of immovable land/property in question.

[MANISH PITALE , J.]

[A.A. SAYED, J.]