

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

WRIT PETITION NO. 2118 OF 2017

Amita Gupta

... **Petitioner**

Vs.

**Edelweiss Asset Reconstruction
Company Ltd. & Ors.**

... **Respondents**

Mr. P.D. Salvi, i/b Mr. Mangesh Patel, Adv. for the Petitioner.
Mr. Rohit Gupta, with Vinod Kothari & Phiroz Merchant, i/b M/s.
APEX LAW PARTNERS for Respondent No.1.
Komal Salunke, AGP for Respondent No.5.

**CORAM : B.R. GAVAI AND
RIYAZ I. CHAGLA, JJ.
DATE : 22 JUNE 2017.**

P.C.:-

1. This is another innocuous way of how the parties are making attempt after attempt to defeat the provisions of the Securitization and Reconstruction of Assets and Enforcement of Security Interest Act, 2002.

2. The Petitioners, after the Respondent No.1, who is secured Creditor in the proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security

Interest Act, 2002 has obtained an order of possession against Respondent No.4, who is the borrower and owner of the property, which is a subject matter of the present Petition has filed an application before learned Magistrate for intervention and for restraining Respondent No.4 from taking possession of the subject property.

3. The Petitioner claims that she is a tenant of the subject property and as such the order passed by the learned Magistrate is not under Section 14, hence it is not binding on her.

4. Leave aside placing on record any document, leave aside document which would even remotely show that the Petitioner is tenant of Respondent No.4 has been placed on record.

5. Mr. Rohit Gupta, the learned counsel for Respondent No.1 on the contrary submits that the Petitioner has shown the subject property as her own property in the Income Tax Returns. He further states that the husband of present Petitioner has also filed a Securitization Application with respect to the said suit property.

6. It is thus clear that the son and the present Petitioner who is the daughter-in-law of Respondent No.4 are making every attempt so as to protract possession of the subject property to which Respondent No.1 is entitled as per the provisions of Securitization Act.

7. We do not find any merit in the Petition hence the Writ Petition is dismissed with costs quantified at Rs.25,000/-. The costs be deposited with Maharashtra State Legal Services Authority within a period of two weeks from today.

(RIYAZ I. CHAGLA J.)

(B.R. GAVAI J.)