

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4164 OF 2017

Shree Jyoti Book Sellers and Stationers
& Anr.

.... Petitioners

Vs.

JM Financial Asset Reconstruction
Company Pvt. Ltd. & Anr.

.... Respondents

Mr. Umesh Shetty i/by Mr. Puneet K. Gogad for the
Petitioners.

Mr. Rohit Gupta with Mr. Vinod Kothari i/by Apen
Law Partners for the Respondents.

CORAM: S.C. DHARMADHIKARI &
PRAKASH D. NAIK, JJ.

DATE : APRIL 07, 2017

P.C:

Mentioned. Not on board. Taken up on board on
request.

2. Mr. Shetty, appearing for the petitioners, on
instructions, states that the petitioners would file an appeal
against the order of the Presiding Officer of the Debts Recovery

Tribunal, copy of which has been made available today itself, within one week.

3. Mr. Rohit Gupta, appearing on behalf of the secured creditors/respondent No.1, on instructions, states that the appointment scheduled for taking physical possession for today has been cancelled. Now, for one week at least there is no likelihood that physical possession may be taken by the secured creditors. A fresh attempt would be made in that behalf.

4. In view of this statement made by Mr. Gupta which clarifies the factual position about physical possession, we do not think that the writ petition should be entertained, nor any relief is necessary to be granted. We accept the statement of Mr. Gupta as an undertaking to this Court and dispose of the writ petition. We clarify that we have not expressed any opinion on the rival contentions.

(PRAKASH D. NAIK, J.)

(S.C. DHARMADHIKARI, J.)