

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

**WRIT PETITION NO.8204 OF 2017**

Mr. Sohanlal Shanti Prakash

..Petitioner

Vs.

Bank of India & Anr.

..Respondents

Mr. Sandeep Kumar Singh for the Petitioner.

Mr. Pradeep Bhor h/f Mr.O.A.Das for the Respondent No.1.

**CORAM: B. R. GAVAI AND  
RIYAZ I. CHAGLA, JJ.**

**DATE: 24<sup>th</sup> JULY 2017**

**P.C.:**

. Not on board. Upon mentioning, taken on board.

2. The learned counsel challenges the order passed by the DRT dated 21/6/2017 by which an application filed by the present Petitioner is rejected. Against the said order, the Petitioner has preferred an appeal before the DRAT. However, the application has been withdrawn. The Petitioner claims to be tenant in the premises which is the subject matter of the Petition and which was mortgaged with the Respondent No.1/ Bank by the Respondent No.2. It is the contention of the Petitioner that the Respondent No.1/Bank is not entitled to take possession of the said premises.

3. We have perused the order passed by learned DRT. Learned DRT has found that though the Petitioner claimed to be the tenant, the Petitioner has not produced on record any written agreement. Learned DRT further found that the Petitioner has not placed on record any document

from the Society to show that he is in physical possession of the property. Learned DRT further found that from the plea raised in the application it was evident that the application was at the very behest of the borrower and that it was not genuine application of the tenant.

4. In that view of the matter, we are not inclined to entertain the present petition. Petition is rejected and is accordingly disposed of.

**(RIYAZ I. CHAGLA, J.)**

**(B. R. GAVAI, J.)**