

Nalawade

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 80 OF 2017

Mr. Noorjahan Sayed Saleem Ahmed
Basha and ors.

...Petitioners.

vs.

Abhyudaya Co-op. Bank Ltd. and ors.

...Respondents.

Mr. Shailesh Shah, Sr. Counsel i/by Ms. Kalpana Kanhere for the
petitioners.

Miss. Merlyn Monteiro for the Respondent No.1 Bank.

Mr. Amar Mishra, AGP for the Respondent No.2 State.

CORAM : R.M. BORDE AND

A.S. GADKARI, JJ.

DATE : 13th January, 2017

PC:

The counsel appearing for the petitioners on instructions seeks leave to withdraw the petition with liberty to avail of the alternate remedy available under the law. Leave and liberty granted. Petition is disposed of as withdrawn.

2. The petitioners apprehend taking over possession of the secured assets in compliance of the order passed by the Chief Metropolitan Magistrate, Mumbai. It is informed that the creditor is likely to enforce the possession notice on Monday. With a view to enable the petitioner to avail of the alternate remedy, we direct the respondents not to take possession in pursuance of the notice dated 7.1.2016 for a period of one week

from today.

2. It is clarified that, we have not examined the contentions raised by the petitioners and the interim protection has been granted only with a view to facilitate the petitioner to approach the alternate forum. It is open for the alternate forum to pass an appropriate order considering the contentions of the petitioners. Interim protection shall continue for one week or till the alternate remedy is availed and interim protection extended by the alternate forum after one week.

(A.S.GADKARI, J.)

(R.M. BORDE, J.)