

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

WRIT PETITION NO. 950 OF 2017

Mour Marbles Industries	}	
Pvt. Ltd. and Ors.	}	Petitioners
versus		
Bank of India and Ors.	}	Respondents

Mr. Girish B. Kedia with Mr. M. G. Agre
for the petitioners.

Mr. O. A. Das for respondent nos. 1 and 2.

Ms. Jyoti Chavan – Assistant Government
Pleader for respondent no. 3.

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

DATED :- APRIL 24, 2017

P.C. :-

1. This petition challenges an order passed on 24th March, 2017 by the learned Chief Metropolitan Magistrate, Esplanade, Mumbai in Securitisation Application No. 100346/ SA/2015, whereunder, the directions have been issued so as to enable the bank (the first respondent) to take forcible possession of the mortgaged residential premises.

2. When such a petition was placed before us, Mr. Das learned counsel appearing for the bank states that though such an order,

on the application of the bank, has been passed by the learned Chief Metropolitan Magistrate, presently, he has instructions not to take any benefit or advantage of such an order and direction. The petitioners, therefore, need not apprehend any dispossession from the residential premises presently. We accept this statement, made on instructions, as an undertaking given to the court. In view thereof, by keeping the entire controversy open, we dispose of the writ petition.

(PRAKASH.D.NAIK, J.)

(S.C.DHARMADHIKARI, J.)