

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO.1680 OF 2017

India SME Asset Reconstruction Company
Ltd.Petitioner
V/s.
The State of Maharashtra & Ors.Respondents

Mr. Rohit Gupta with Mr. Vinod Kothari, Mr. Phiroz Merchant i/by
M/s. Apex Law Partners, Advocates for Petitioner.
Mr. Manish Upadhye, AGP for the Respondent No.1-State.
Mr. Nishant M. Sangle, Advocate for Respondent Nos.2 and 3.

**CORAM :- B.R.GAVAI &
SANDEEP K. SHINDE, JJ.**

DATE :- 9TH NOVEMBER, 2017.

PC. :-

Shri Manish Upadhye appears for the Respondent No.1-State and Shri Sangle appears for the Respondent Nos.2 and 3. Though Respondent Nos.4 and 5 are served, none appears for them. It is the contention of the Petitioner that in pursuance of the orders passed by the learned Chief Metropolitan Magistrate, possession of secured premises was handed over to the Petitioner. However, forcibly Respondent Nos.2 and 3 have entered into in this premise. An application was made to the learned Magistrate for providing

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assistance for taking over of possession of the secured premises. It is the contention of the Petitioner that the said application is not even accepted by the learned Magistrate. We, therefore, direct the learned Magistrate to accept the application made by the Petitioner and consider the same and pass appropriate orders in accordance with law.

(SANDEEP K. SHINDE, J)

(B.R.GAVAI, J)