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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO.2639 OF 2017**

Bhupendra Jamnadas Tejura	..Petitioner
Versus	
Saraswat Co-op. Bank Ltd.	..Respondent

**ALONGWITH
WRIT PETITION (L) No.2641 of 2017**

Bhupendra Jamnadas Tejura	..Petitioner
Versus	
Saraswat Co-op. Bank Ltd.	..Respondent

Mr. Jayesh Bhatt for the Petitioner in both the Writ Petitions.
Mr. Bhupesh Samant for the Respondent in both the Writ Petitions.

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

DATE: 8th November, 2017

P.C.:-

1] These Petitions challenge the concurrent findings of fact, as recorded by the learned DRT, thereby rejecting the application filed by the present Petitioner and the order passed by the learned DRAT, thereby dismissing the appeal.

2] It is the contention of the Petitioner that the Petitioner is neither borrower nor guarantor but a bonafide purchaser of flat of which symbolic possession is taken by the Respondent – Bank and in respect of which the Bank is attempting to take physical possession. It is the

contention of the Petitioner that the flat was given in possession of the Petitioner in 2002. It is, however, the case of the Petitioner that the Builder has not executed any conveyance in favour of the Petitioner.

3] Perusal of the orders would reveal that the Petitioner has failed to produce any document, showing his title to the property. It has further been found that the receipt issued by the Society on which the Petitioner relied, did not show the name of the Petitioner. To a pertinent query, as to why the Petitioner did not take any steps for executing the conveyance deed, learned Counsel for the Petitioner states that it was not found necessary since the Petitioner was in possession of the suit premises. To the next pertinent query, as to whether the Petitioner had issued notice for specific performance to the Developer or as to whether any further proceedings were taken in that regard, learned Counsel for the Petitioner states that it was not done.

4] In that view of the matter, we do not find that any case is made out for interference with the orders passed by the learned DRT and DRAT. Both the Petitions are dismissed.

5] Needless to state that if the Petitioner is entitled to take recourse to any of the remedies available to him in law, he is at liberty to do so.

6] Both the Petitions are disposed of.

(SANDEEP K. SHINDE, J.)

(B. R. GAVAI, J.)