

IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO. 32 OF 2018

INDIRA BARUAH.,

... Appellant

Versus

CORPORATION BANK PONDA BRANCH,
PONDA AND 4 ORS.,

... Respondents

Shri S. G. Dessai, Senior Advocate with Shri Vibhav Rajiv Amonkar, Advocate for the appellant.
Ms. Priyanka Kamat, Advocate for the respondent no.1.
Ms. Susan Linhares, Additional Government Advocate for the respondent nos.3, 4 and 5.

Coram:- C. V. BHADANG, J.

Date:- 25th September 2018

P.C.

Heard for some time.

2. Shri Dessai, the learned Senior Counsel for the appellant, on instructions, seeks leave to withdraw the appeal as the appellant intends to approach the Debt Recovery Tribunal (DRT) against the order dated 06/12/2017, passed by the District Magistrate, North Goa, under the provisions of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act). The learned Senior Counsel submits that the appellant would also withdraw Civil Suit No.3/2018, pending before the District Judge-1, North Goa at Panaji within one week from today. The statement is accepted. The learned Senior Counsel for the appellant submits that the

possession of the suit flat is already taken and auction is scheduled on 29/09/2018. The learned Senior Counsel has requested for protection for a limited period, in order to enable the appellant to approach the DRT and obtain necessary orders as may be necessary.

3. The appellant has taken her belongings from the flat No.10/S2 pursuant to the order dated 07/08/2018.

4. On hearing the learned Counsel for the parties, the appeal is disposed of as withdrawn. The appellant shall withdraw the Civil Suit No.3/2018 within a week from today.

5. In the event the appellant approaches the learned DRT, the DRT shall have due regard to the provisions of Sections 5 and 14 of the Limitation Act, while entertaining the appeal.

6. The appellant is granted interim protection for a period of three weeks against any coercive steps being taken in respect of the suit flat. Needless to mention that after a period of three weeks the interim relief shall stand vacated without reference to the Court.

7. The rival contentions of the parties on merits are left open. In the circumstances, there shall be no order as to costs.

C. V. BHADANG, J.