

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**APPELLATE JURISDICTION**

WRIT PETITION NO.1394 OF 2018

Anushka Palshetkar & Ors.

...

...Petitioners

v/s.

India Bulls Housing Finance Ltd.

...Respondent

...

Mr.Milan Desai i/b Ashwini M.Desai for the Petitioner.

Mr.Ashish Kamat a/w Mr.Nikhil Rajani i/b M/s.V.Deshpande & Co. for the Respondent.

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CORAM : A.A. SAYED &**V.L.ACHLIYA, JJ.****DATED : 8 FEBRUARY 2018****P.C.:**

On 2 February 2018, we had passed an exparte order granting limited protection to the Petitioners and directed the Respondent to defer taking possession of the bungalow till today. To test their bonafides, we had further directed the Petitioners to bring a draft of amount of Rs.5 crores in favour of the Respondent.

2. Today, the learned Counsel for the Petitioner informed us that it is not possible for the Petitioners to pay an amount of Rs. 5 crores.

3. In the circumstances, we are not inclined to entertain the Petition. It will be open for the Petitioners to take recourse to the alternative remedy before DRT. Inasmuch as the secured asset is a residential bungalow, to facilitate the Petitioners for filing the proceedings before the DRT, we direct that for a period of one week from today the Respondent shall defer taking

possession of the bungalow. We make it clear that in the event proceedings are filed before the DRT by the Petitioners, the DRT would be free to pass appropriate orders without being influenced by orders of this Court in this Petition.

4. The Petition is accordingly dismissed.

(V.L.ACHLIYA,J.)

(A.A.SAYED, J.)