

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (STAMP) NO.3214 OF 2018

Salvasao Cyril Fernandes & Anr.Petitioners
V/S
Goa State Co-op. Bank Ltd. & Anr.Respondents

Mr. Vishal Kanade I/b Mr. Sunil M. Kadam for the Petitioners.
Ms. Shruti Sardessai a/w Ms. Ekta Pandav I/b M/s. Jhanghiani Narula &
Associates for the Respondent Nos.1 and 2/Bank.

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**CORAM : A.A. SAYED &
V.L. ACHLIYA, JJ.**
DATE : 22 MARCH 2018.

ORDER:

1 Heard the learned Counsel for the Petitioners and the learned Counsel for the Respondent Nos.1 and 2/Bank.

2 We dispose of the Petition by passing the following order:

- i) Upon the Petitioners depositing the amount of Rs.16,00,000/- within one week from today in the DRAT, Mumbai, the Miscellaneous Appeal No.122 of 2017 shall stand restored. The time for deposit shall stand extended accordingly.
- ii) The statement of the learned Counsel for the Petitioners is recorded that the Petitioners shall handover physical possession of one of

the secured assets which is commercial premises viz. Plot No.B-1, admeasuring 1100 square meters being part of Plot No.1 known as CUPAMODDI situated at village Odar, Taluka and Sub District Quepem, District South Goa to the Respondent No.1-Bank.

- iii) The learned Counsel are agreed that on 12 April 2018 at 12 noon the Petitioners and representative of the Respondent No.1 Bank shall remain present at the site and the possession of the aforementioned secured asset shall be given/taken over by the Respondent No.1 Bank. The Respondent No.1-Bank shall take steps for disposal of the said secured asset expeditiously.
- iv) For a period of six weeks from today the Respondent No.1 Bank shall not take further steps so far as the other secured asset i.e. residential premises of the Petitioners.
- v) It is made clear that the DRAT shall be free to pass appropriate orders as it deems fit without being influenced by this order.
- vi) The Petition is disposed of in the aforesaid terms.
- vii) All concerned to act on an authenticated copy of this order.

(V.L. ACHLIYA, J.)

(A.A. SAYED,J.)

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