

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

WRIT PETITION NO.1692 OF 2018

Mrs.Jamila Yasar Nawab

...

...Petitioner

v/s.

UCO Bank & ors.

...Respondents

....

Mr.Navaneetha Krishnan T. for the Petitioner.

Mr.Jay Chowksi a/w Mr.Parineet Saratkar and Mr.Shashikant Gaikwad for the Respondent No.1.

...

CORAM : A.A. SAYED &

V.L.ACHLIYA, JJ.

DATED : 8 FEBRUARY 2018

P.C.:

Inasmuch as the Petitioner has an alternate remedy, the learned Counsel for the Petitioner seeks leave to withdraw the Petition to approach the DRT.

2. The Petition is allowed to be withdrawn and to stand disposed of as such.

3. Our attention is drawn to the Notice dated 1 February 2018, Exh.F to the Petition, under which the possession of the secured asset is to be taken on 9 February 2018 at 10.30 a.m. Since the Petitioner desires to file the proceedings before the DRT, we direct that taking of possession of the secured asset shall be deferred until 16 February 2018 at 10.30 a.m.

4. We make it clear that unless the DRT passes any order in favour of the Petitioner, the Respondent-Bank would be free to take possession of

the secured asset on 16 February 2018 at 10.30 a.m. and no fresh notice would be necessary. We also make it clear that in the event proceedings are filed before the DRT by the Petitioner, the DRT would be free to pass any order which it shall deem appropriate.

(V.L.ACHLIYA,J.)

(A.A.SAYED, J.)