

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2214 OF 2017

Haniffmohammad H. Patil

...

...Petitioner

v/s.

State of Maharashtra & ors.

...Respondents

...

Mr.Dhairyasheel Sutar for the Petitioner.

Mr.A.A.Alaspurkar, AGP for the State.

...

CORAM : A.A. SAYED &

V.L.ACHLIYA, JJ.

DATED : 6 JUNE 2018

P.C.:

On 17-02-2017 the following order was passed:

“1] The petitioner is objecting to the Order passed by the District Collector under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest, 2002 (SARFAESI Act) on 25.11.2016.

2] The Petitioner is the co-borrower and according to him he owes sum of Rs.60 lakhs to the bank. The petitioner is seeking breathing time with a view to facilitate him to approach the appropriate forum and seeks interim reliefs. It is the contention of the petitioner that the respondent-bank is likely to take possession of the secured assets today itself. The learned counsel appearing for the petitioner on instructions submits that the petitioner undertakes to deposit Rs.5 lakhs by tomorrow with the respondent-bank and further sum of Rs.25 lakhs within a period of one week from today. The statement is accepted. The petitioner shall give such undertaking within a week

from today and to deposit the amounts as aforesaid. Meanwhile, the respondent-bank shall not take coercive steps for one week from today.

3] If the petitioner fails to comply with the aforesaid directions i.e. submission of undertaking and deposit of amounts within the stipulated period, the interim relief granted today shall stand vacated without further reference to this Court.

4] Notice to the respondents, returnable on 24th February 2017. Learned AGP waives notice on behalf of the respondent Nos.1 to 3. Hamdast permitted.

2. The Petitioner has neither filed the Undertaking nor deposited the amount as directed. We, therefore, dismiss the Petition for non-compliance.

(V.L.ACHLIYA,J.)

(A.A.SAYED, J.)