

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3028 OF 2018

...
Sardar Electrical and Electronics

Pvt. Ltd. & Ors.

....Petitioners

V/S

The Saraswat Co-operative Bank Ltd.

....Respondent

...
Mr. Pankaj D. Purway for the Petitioners.

Mr. Vivek V. Phadke for the Respondent/Bank.

...
**CORAM : A.A. SAYED &
V.L. ACHLIYA, JJ.**

DATE : 08 MARCH 2018.

ORDER:

1 Learned Counsel for the Petitioners has tendered the impugned order dated 6 March 2018 passed by the Presiding Officer, DRT, Mumbai in Securitisation Application No.128 of 2018. He states that when the Petition was filed the impugned order was not available. Learned Counsel for the Petitioners submits that the secured assets are four flats, out of which possession of two flats is already with the Respondent Bank. He states that other two flats are residential flats and the Petitioner Nos.1 and 2 are residing in the said flats. He states that the limited relief the Petitioners are pressing is that the taking-over of possession of the two flats wherein the Petitioner Nos.1 and 2 are residing may be deferred for a period of three

weeks from today to enable the Petitioners to approach the DRAT, Chennai to challenge the order dated 6 March 2018.

2 In the circumstances, the Petition is dismissed as the Petitioners have an alternate remedy.

3 To facilitate the Petitioners in approaching the DRAT, Chennai, (presently the DRAT, Mumbai is not available and charge has been handed over to the DRAT, Chennai) we direct that taking over possession of two flats be deferred by the Respondent Bank for a period of three weeks from today.

(V.L. ACHLIYA, J.)

(A.A. SAYED, J.)

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