

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

WRIT PETITION (ST) NO. 16470 OF 2018

Karamshi Tethlala Makhua & Anr. ... Petitioners

V/s.

The Vishweshwar Sahakari Bank Ltd. & Ors. ... Respondents

Mr. Sunil Humbre a/w Mr. Shashank Thatte and Mr. Ranjit Agashe for the Petitioners.

Mr. Arjun Patil i/b Law Global for Respondent No.1.

Mr. Karamshi Tethlala Makhua, Petitioner No.1 present in Court.

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

DATE : 14th JUNE, 2018.

PC. :

1 Learned counsel for the Petitioners on instructions from Petitioner No.1, who is present in Court, states that physical possession of one of the secured asset viz. Shop cum Godown No. D-13 in Block No.D on Ground floor + Mezzanine Floor in MAPMC Market II, Phase II, Plot No.2, Sector 19, out of Gat No.796, Village Turbhe Tal. & Dist. Thane, Navi Mumbai-400703, shall be handed over to Respondent Bank tomorrow at 12.00 noon.

2 The Undertaking to the above effect shall be filed by the Petitioners during the course of today.

3 The Respondent Bank shall defer taking possession of the residential flat No.307 3rd Floor, Bldg. No.R-2/5 Fiorello Nahar Amrut Shakti Complex, Chandivali, Mumbai-400072, for a period of three weeks from today.

4 Subject to the above, the Petition is allowed to be withdrawn, with liberty to the Petitioners to approach the DRT, Mumbai.

5 We make it clear that DRT would be free to pass appropriate orders as it deems fit.

(V.L. ACHLIYA, J.)

(A.A. SAYED, J.)