

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

WRIT PETITION (ST) NO.28124 OF 2018

Mafrunnisha Rukunuddin Khan and Ors. ... Petitioners

Vs

Dewan Housing Finance Corporation
Ltd. And Ors. ... Respondents

...

Mr. Minesh K. Shah I/by Mr. Mangesh Patel for the Petitioners.
Mr. Shashank N. Fadia for the Respondent No.3.

**CORAM : K. K. TATED &
SANDEEP K. SHINDE JJ.
DATE : 8 OCTOBER, 2018**

P.C. :

Heard learned counsel for Parties.

2 By this Petition under Article 226 of the Constitution of India, the Petitioner is challenging the order dated 28.9.2018 passed by the DRAT at Mumbai in Miscellaneous Application No.605 of 2018 in Miscellaneous Appeal No.67 of 2018 directing the Petitioner to deposit a sum of Rs.11,32,442/- on or before 26.10.2018.

3 The learned counsel for the Petitioners after taking instructions from his client who is present in the Court makes a statement that the Petitioners are ready and willing to deposit a sum

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of Rs.9 Lakhs in the Registry of the DRAT on or before 10.11.2018 so that their appeal can be decided by the DRAT on its own merits. To that effect, he has filed affidavit of the Petitioner No.3 dated 8.10.2018. Same is taken on record and marked 'X' for Identification.

4 The learned counsel for the Petitioners submits that if time to deposit a sum of Rs.9 Lakhs is granted till 10.11.2018, he receives instructions from his client to withdraw the present Writ Petition. To that effect, he has given in writing. Same is taken on record and marked 'X-1' for Identification.

5 In view of these facts, following order is passed:

(A) Petitioners to deposit a sum of Rs.9 Lakhs on or before 10.11.2018 in the Registry of the DRAT, Mumbai instead of Rs.11,32,442/- as directed by the DRAT by order dated 28.9.2018.

(B) If amount is deposited within the stipulated period as stated here-in-above, i.e., Rs. 9 Lakhs on or before 10.11.2018, the DRAT at Mumbai to hear the Petitioners' Miscellaneous Appeal No.67 of 2018 on its own merits.

(C) If the Petitioners fail to deposit the sum of Rs.9

Lakhs in the Registry of the DRAT on or before 10.11.2018, the Miscellaneous Application No.605 of 2018 in Miscellaneous Appeal No.67 of 2018 pending before the DRAT at Mumbai shall stand dismissed without referring back to the Court.

(D) All contentions of both the parties are kept open in Miscellaneous Appeal No.67 of 2018.

(E) Parties are directed to maintain status-quo in respect of possession of the property as on today till 10.11.2018.

(F) Writ Petition stands disposed of as withdrawn.

(SANDEEP K. SHINDE, J.)

(K. K. TATED, J.)