

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L) NO.1911 OF 2018

Bright Marketing Pvt.Ltd. And Anr. .. Petitioners

V/s.

DCB Bank Limited .. Respondent

Mr.Rajesh Nagori a/w Mr.Vinod Kothari, Ms.Gauri Joshi i/b M/s.Apex
Law Partners for the petitioners

Mr.A.R.Gole for the respondent

**CORAM: K.K. TATED &
SANDEEP K. SHINDE, JJ.**

DATED : AUGUST 29, 2018

P.C. :

1 Heard.

2 By this petition under Article 226 and 227 of the Constitution of India the Petitioner challenges the order dated 18.01.2018 passed by learned Chief Metropolitan Magistrate in S.A.No.788 of 2017 and notice given by the Advocate Commission dated 22.05.2018 for taking possession of flat no.A/501, Garden Estates, Link Road, Goregaon (West), Mumbai 400 104.

3 After arguing for some time, the learned counsel for the

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Petitioner submits that Petitioner is ready and willing to pay sum of Rs.7,76,864/- as claimed by the Respondent bank towards accrued charges to regularize the account. To that effect, he has placed on record Minutes of order dated 29.08.2018 which reads thus:

“MINUTES OF ORDER

- 1. An amount of Rs.7,76,864.00 is claimed by Respondent Bank towards accrued charges to regularize the account.*
- 2. The Petitioners undertake to make payment of Rs.7,76,864.00 in two equal installment of two weeks each from today.*
- 3. Subject to payment as mentioned in the para 2 and Petitioners making regular payments as per the Loan Agreements the account of the Respondents stands regularized.*
- 4. The Petitioners shall be at liberty to take such appropriate action/remedy as available under law seeking refund of the amount to be deposited as penal interest”.*

4 Minutes of order is taken on record and marked 'X' for identification.

5 In view of the minutes of order, Writ Petition stands disposed of with liberty to the bank to take appropriate action as per order dated 18.01.2018 passed by learned Chief Metropolitan Magistrate in

S.A.No.88 of 2017 in case the Petitioner failed and neglected to comply the terms and conditions of minutes of order dated 29.08.2018.

6 Writ Petition stands disposed of accordingly.

7 No order as to costs.

(SANDEEP K. SHINDE, J.)

(K.K. TATED, J.)