

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 2356 OF 2018

Vijay Cine Services Pvt. Ltd. & ors.
VS.

...Petitioners

The State of Maharashtra & ors.

...Respondents

Mr. Arshad Shaikh i/b. Mr. Sandeep V. Bane for the petitioners.

Mr. A.R. Gole for Bank.

Mr. Mohit Jadhav, AGP for State.

**CORAM : A.A. SAYED &
M.S. KARNIK, JJ.**

DATE : JULY 17, 2018

P.C.:

Inasmuch as the Petitioners have an alternate remedy before the DRT, we are not inclined to entertain the Petition. The Petitioners may invoke the remedy available before the DRT.

2. We take on record the Undertaking of the Petitioners tendered by learned Counsel for the Petitioners which reads as under :-

1. That pursuant to this Writ Petition, the Petitioner is desirous of approaching the DRT for seeking appropriate reliefs.

2. As called upon by this Hon'ble Court, the Petitioners undertake that in the event of the Petitioners not being able to get appropriate reliefs from the DRT contrary to the claim of the Respondents within four weeks from today, the Petitioners

shall handover possession of Flat No.701, Sanket Apartment, 14th Road, Chembur, Mumbai - 400 071 to the Court Commissioner immediately thereafter on the date conveyed by the Commissioner.

3. The Petitioners in order to show their bonafides agree to deposit an amount of Rs.20,00,000/- on or before the end of working day of 20th July, 2018.

3. We record the statement of learned Counsel for the Petitioners (on instructions), that in the event the Undertaking is not complied with or no protective orders are passed by DRT within 4 weeks from today, physical possession of the flat in question i.e. Flat No. 701, Sanket Apartment, 14th Road, Chembur, Mumbai - 400 071, shall be handed over to the Respondent-Bank on 16th August, 2018 at 12.00 noon.

4. We accept the Undertaking and dispose of the Petition.

5. The Respondent – Bank shall defer taking possession of the said Flat No.701 for a period of 4 weeks. We make it clear that the DRT shall be free to pass orders as it deems fit without being influenced by this order. All contentions of the parties are open.

(M.S. KARNIK, J.)

(A.A. SAYED, J.)