

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (STAMP) NO.4596 OF 2019

Shri Vijay Baburao Sonawane & Anr.Petitioners
V/S
The HDFC LimitedRespondent

Mr. Rahul D. Motkari for the Petitioners.
Mr. Ramakant Yadav for the Respondent/HDFC.

**CORAM : A.A. SAYED &
RIYAZ I. CHAGLA, JJ.**
DATE : 13 FEBRUARY 2019

ORDER:

1 The Petitioners have already filed an Appeal before the D.R.A.T. to challenge the order dated 20 July 2018 of DRT. The Petitioners have now been issued notice for taking over physical possession of the secured asset in question i.e. house and plot No.43B, Survey No.717/1B/1A-1-1/43/1, which is scheduled for 15 February 2019.

2 Learned Counsel for the Petitioner states that the Chairperson of D.R.A.T. is on leave and is to resume on 25 February 2019 and the Petitioners therefore are unable to move DRAT for seeking ad-interim/ interim orders.

3 In the circumstances, inasmuch as the Chairperson, DRAT is not presently available, in the interest of justice, we pass the following order:

- (i) We record the statement of the learned Counsel for the Petitioners that the Petitioners shall deposit sum of Rs.17 lakhs with the Registrar, DRAT in the Waiver Application being Miscellaneous Application No.614 of 2018 within two weeks from today. We make it clear that this amount of Rs.17 lakhs shall be taken into account while passing final orders in the Waiver Application being Miscellaneous Application No.614 of 2018.
- (ii) We further record the statement of the learned Counsel for the Petitioners that the Petitioners shall pay sum of Rs.10,000/- to the Respondent Bank within one week from today as costs since the Respondent Bank had made all arrangements to take physical possession of the secured asset and no information about filing of the Appeal was given by the Petitioner to the Respondent Bank.
- (iii) Inasmuch as the D.R.A.T. is to resume on 25 February 2019, we direct the Respondent Bank to defer taking physical possession of the secured assets until 28 February 2019.

4 The Petition to stand disposed of accordingly.

(RIYAZ I. CHAGLA, J.)

(A.A. SAYED, J.)