IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2179 OF 2019

...

Mrs. Seema Satish Kadam ....Petitioner
V/S
The State of Maharashtra & Anr. ....Respondents

...

Mr. Sohil E.S. Kazi for the Petitioner.
Mrs. M.S. Srivastava, AGP for Respondent No.1/State.
Mr. A.R. Gole a/w Ms. Dimple Tejani i/b Mr. Sanjay Anabhawane for Respondent No.2.

…

CORAM : A.A. SAYED &
RIYAZ I. CHAGLA, JJ.
DATE : 20 FEBRUARY 2019

ORDER:

1 It is seen that on 6 February 2019 an order was passed by D.R.T. in Securitisation Application No.111 of 2018 filed by the Petitioner which reads as follows:

> “Applicant appeared in person and Advocate for Respondent Bank appeared.
>
> This is case of Housing Loan where Applicant has defaulted in the matter of payment of instalments resulting in Respondent Bank initiating action under SARFAESI Act. The urgency in the matter is that the Respondent Bank has fixed 8.2.2019 as date for taking physical possession of residential Flat being Secured Asset.

Applicant has filed undertaking whereby the Applicant has undertaken to pay and clear the outstanding dues of Rs.3,70,630/- on or before 13.2.2019, for Respondent to regularise the A/c. The Applicant has also undertook that if the Applicant fails to pay amount and clear dues, she will hand over peaceful possession of the Secured Asset to the Respondent bank without Respondent Bank having to approach the Revenue Authorities under SARFAESI Act for seeking help for taking physical possession.

Advocate for Respondent Bank and Bank Officer have gone through Undertaking and they are satisfied with the Undertaking.

In the light of the aforesaid undertaking, Tribunal is staying the schedule of taking physical possession of the Secured Asset, scheduled for 8.2.2019, till 13.2.2019. If by 13.2.2019, Applicant prays and clears dues, Respondent Bank should regularise the account and shall stop further proceeding under SARFAESI Act. In the event of failure, Applicant shall handover peaceful possession when the Respondent Bank demands it.

Post it to 18.2.2019 for reporting on compliance.
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Undertaking by Applicant"

2 The aforesaid order is not challenged in this Petition. The Securitisation Application No.111 of 2018 is still pending before DRT. The

Petitioner would be at liberty to seek appropriate relief before the D.R.T. The exercise of writ jurisdiction of this Court is not warranted. The Petition is accordingly dismissed.

(RIYAZ I. CHAGLA, J.) **(A.A. SAYED, J.)**

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