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

WRIT PETITION (ST) NO.5054 OF 2019

Nagesh Chotelal Chourasia & Anr. ... Petitioners
V/s.
Bank of India & Ors. ... Respondents

Mr. Minesh Shah, i/b Mangesh Patel for the Petitioners.
Mr. Manohar Patange with Mr. M. Dias, for Respondent No.1.

**CORAM: A.A.SAYED &
RIYAZ I. CHAGLA, JJ.
DATE: 18TH FEBRUARY, 2019.**

PC:-

1. The Petitioner No.1 has tendered an Undertaking which reads as follows:-

UNDERTAKING

I, Nagesh Chaurasia, S/o. Late Shri Chotelal Chaurasia, Ages 42 years, R/o. At Flat No.203, 2nd Floor, A Wing, Shri Ganpat Tower, Goddev, Bhayander East, Dist. Thane – 401 105 do hereby declare and undertake as below:-

1. I am Petitioner No.1 in the matte. I undertakes to pay to Respondent No.1 as below;

A. Rs.2.5 lakhs on 19.02.2019.

B. Rs.8 lakhs within 10 days thereafter i.e. on or before 01.03.19.

2. I also undertakes that in event, I fails to pay Rs.10.5 lakhs as stated above, I will handover possession of my residential premises on or before 03.03.19.

Hence, this Undertaking.

Signed and declared on 18.02.19 at Mumbai.

2. We accept the Undertaking and direct the Respondent - Bank to defer taking possession of the secured asset, which is residential premises, for a period of three weeks. The Petitioners may move DRT to take appropriate orders in the proposed Securitization Application to be filed by the Petitioners.

3. The learned Counsel for the Respondent - Bank fairly states that the Court Fees in respect of the Securitization Applications that are filed are calculated on the basis of 13(2) notice. In the circumstances, we direct the Registrar, DRT to accept the Securitization Application and accept the Court Fees on the basis of 13(2) notice in the first instance. We record the undertaking of the Petitioner No.1 through his Counsel that, if any, further Court Fees are ultimately required to be paid, the same will be paid.

4. The Petition to stand disposed of. We make it clear that we have not gone into the merits of the case and DRT would be free to pass appropriate orders without being influenced by this order.

(RIYAZ I. CHAGLA J.)

(A.A.SAYED, J.)