

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.832 OF 2019
IN
WRIT PETITION NO.2378 OF 2019

...

M/s. Food Kraft & Anr.
IN THE MATTER BETWEEN
M/s. Food Kraft & Anr.
V/S

....Applicants

....Petitioners

Bharat Co-operative Bank (Mumbai)
Limited & Anr.

....Respondents

...

Mr. Ismail Nasikwala i/b Ms. Pallavi A. Kulkarni for Petitioners/Applicants.
Ms. Sanjana Ghogare for the Respondent No.1/Bank.

...

**CORAM : A.A. SAYED &
R.I. CHAGLA, JJ.**
DATE : 29 MARCH 2019.

ORDER:

1 The Petitioner No.2 who is the partner of the Petitioner No.1 firm is present in Court. Learned Counsel for the Petitioners has tendered an Undertaking dated 29 March 2019 (i.e. today) of the Petitioner No.1. In the Undertaking it is stated that if the Petitioners fail to repay the dues of the Respondent Bank within one week from today, they will voluntarily hand over vacant and peaceful physical possession of the secured asset to the Respondent Bank on 8 April 2019 by 12 noon.

2 We accept the Undertaking of the Petitioners and direct the Respondent Bank to defer taking possession of the secured asset.

3 List the Petition for directions on 19 April 2019, high on board, for reporting compliance.

4 It is made clear that in the event physical possession of the secured asset is not handed over in terms of the aforesaid Undertaking (unless the dues of Respondent Bank are paid), the Petitioners would also be liable for action under the Contempt of Courts Act.

5 The Civil Application to stand disposed of.

(R.I. CHAGLA, J.)

(A.A. SAYED, J.)

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