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

WRIT PETITION NO.2761 OF 2019

Mrs. Geeta Girish Mehta & Anr. ... Petitioners
V/s.
State of Maharashtra & Anr. ... Respondents

Mr. Subhash Jha, with Mr. Harekrishna Mishra I/b Law Global
Advocates for the Petitioners.
Mr. A.R. Bamne, i/b. A.R. Bamne & Co. for Respondents.

**CORAM: A.A.SAYED &
R. I. CHAGLA, JJ.**
DATE: 3RD APRIL, 2019.

PC:-

1. The learned Counsel has tendered an Undertaking of the Petitioner which *inter alia* states that in the event of the Petitioner fails to make payment of Rs.35 lacs within four weeks from today, the Respondent Bank shall free to take appropriate steps. We accept the said Undertaking.
2. It is noted that the secured asset viz. Flat No.2005, Tower – B, Imperial Heights, Behind Goregaon Bus Depot, near Best Colony, Goregaon (West), Mumbai – 400 062 is already been taken possession of by the Respondent Bank after obtaining an order from the Magistrate under Section 14 of the SARFAESI Act.
3. We make it clear that in the event, the amount of Rs.35 lacs is paid by the Petitioner as stated in the Undertaking, the

Respondent Bank shall handover possession of the aforesaid Flat No.2005 to the Petitioner.

4. The Petitioners are permitted to make a representation to the Respondent Bank to adjust the amount of penal interest in their subsequent EMIs. It is also made clear that the Petitioner is expected to make payment of the regular EMIs to the Respondent Bank.

5. Subject to the above, the Petition to stand disposed of.

(R. I. CHAGLA, J.)

(A.A.SAYED, J.)