

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3131 OF 2019

M/s. Birla Steel Corner & Ors.Petitioners
V/S
Janaseva Sahakari Bank Ltd. & Ors.Respondents

Mr. Vijay V. Chandavale for the Petitioners.
Ms. Barsha Parvlekar for Respondent No.1/Bank.
Mr. N.C. Walimbe, AGP for Respondent Nos.2, 3 and 4/State.

...
**CORAM : A.A. SAYED &
RIYAZ I. CHAGLA, JJ.**
DATE : 12 MARCH 2019.

ORDER:

1 Learned Counsel for the Petitioners has tendered an Affidavit/ Undertaking by one Manik Ramchandra Birla who is the partner of the Petitioner No.1. We accept the Affidavit/Undertaking of Petitioner No.2 that physical possession of the properties listed at serial no.2, 3, 5 and 6 to the Schedule of the Affidavit/Undertaking shall be handed over to the Respondent Bank. Let that be done within two days from today.

2 So far as the property at serial no.1 is concerned, we direct the Respondent Bank to defer taking possession of the same for a period of two weeks from today. The Petitioners would be at liberty to approach the

DRT to seek appropriate orders in respect of the said property at serial no.1. In the event no orders are secured from DRT in respect of the said property at serial no.1, the Respondent Bank would be free to take appropriate steps to take possession of the said property. We make it clear that the DRT is free to pass orders as it deems fit without being influenced by this order.

3 We also accept the Affidavit/Undertaking of the Petitioners that a sum of Rs.10,00,000/- shall be paid to the Respondent Bank by tomorrow i.e. on 13 March 2019. The Respondent Bank shall furnish upto date statements of account of all the accounts to the Petitioners within four days from today.

4 The Petition to stand disposed of in the aforesaid terms. In the event of default by the Petitioners, the benefit of this order shall not be available to the Petitioners and the Petition shall stand dismissed.

(RIYAZ I. CHAGLA, J.)

(A.A. SAYED, J.)

katkam