

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3981 OF 2019

...
Smt. Pushpa K. JhaveriPetitioner
V/S
State of Maharashtra & Ors.Respondents

...
Mr. Ghanshyam Upadhyay I/b M/s. Law Juris for the Petitioner.
Mr. A.A. Alaspurkar, AGP for Respondent No.1/State.
Mr. Sharath Pai a/w Ms. Sarita Dlima I/b M/s. K. Ashar & Co. for the
Respondent No.2/HDFC Bank.

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**CORAM : A.A. SAYED &
R.I. CHAGLA, JJ.**
DATE : 04 APRIL 2019.

ORDER:

1 The Petitioner seeks following reliefs in the Petition:

- “a) that this Hon'ble Court may be pleased to issue a Writ of Mandamus thereby calling for records and papers concerning account of the petitioner from respondent No.2 after examining the legality, validity and propriety of the action taken by the respondent No.2 and may be further pleased to direct them to release the property of the petitioner by accepting sum of Rs.1,71,43,995.39 ps. from the Petitioner;
- b) pending the hearing and final disposal of the present petition this Hon'ble Court may be pleased to stay action sale of flat premises of petitioner;
- c) that this Hon'ble court may be pleased to direct the respondent no.3 to treat the release of payment of

Rs.63,94,390/- (Rupees Sixty Three Lakh Ninety Four Thousand Three Hundred and Ninety only) made by them in favour of the respondent no.2 under SSP policy.”

2 The Petitioner has already approached the DRT and has filed Securitisation Application No.30 of 2013. On 25 January 2019 Interim Application No.102 of 2019 seeking stay to taking of physical possession of the secured asset on 28 January 2019 pursuant to the order passed by the Chief Metropolitan Magistrate on 10 October 2018 under section 14 of the SARFAESI Act, has been rejected. The Petitioner has not challenged the order dated 25 January, 2019 of the DRT before the DRAT.

3 In the circumstances, we are not inclined to entertain the Petition. The Petition shall accordingly stand dismissed.

(R.I. CHAGLA, J.)

(A.A. SAYED, J.)

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