

Sharayu Khot.

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

WRIT PETITION NO. 4289 OF 2019

Vishal Vijay Kapoor

...Petitioner

Versus

**Hongkong and Shanghai Banking
Corporation Limited & Ors.**

...Respondents

Mr. Rushabh Shah, i/b Raval Shah & Co., for the Petitioner.

Mr. Santosh Bhide, i/b M/s. Bhide & Asso., for the Respondent
No. 1.

Mr. Vishal Kapoor, the Petitioner present.

**CORAM : A.A. SAYED &
R.I. CHAGLA, JJ.**

DATE : 3 May 2019

ORDER :

1. It is an admitted position that the Petitioner has not

complied with the Undertaking dated 26th March 2019. Only by way of indulgence and conditional upon payment by the Petitioner to the Respondent-Bank of a sum of Rs. 75,000/- by demand draft on 6th May 2019 and in view of the Affidavit cum Undertaking that he shall vacate the Flat Nos. 1301 and 1401 on 13th May 2019 at 12 noon, we direct the Respondent-Bank to defer taking possession of the said flats until 13th May 2019, 12 noon. We accept the Undertaking of the Petitioner that he shall handover vacant and peaceful possession of the said flats on 13th May 2019 at 12.00 noon.

2. We make it clear that in the event of non payment of the aforesaid amount of Rs. 75,000/- as stated above or breach of the Undertaking, the Respondent would be free to take physical possession of the said flats by taking necessary assistance from the police and the Petitioner would also be liable for action under the Contempt of Courts Act.

[R.I. CHAGLA, J.]

[A.A. SAYED, J.]