

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (STAMP) NO.24446 OF 2019

Mehrotra Sanjay Navalkishor

...

....Petitioner

V/S

Saraswat Co-operative Bank Ltd.

....Respondents

...

Mr. Vishwakarma a/w Ms. Divya Srivastava a/w Ms. Prachi Koli i/b M/s. Vishwakarma & Associates for the Petitioner.

Mr. Bhupesh Samant for Respondent No.1/Bank.

Mr. Milind C. Gawande, Deputy Manager, Saraswat Co-operative Bank Ltd.
Is present in Court.

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**CORAM : A.A. SAYED &
PRAKASH D. NAIK, JJ.**

DATE : 28 AUGUST 2019.

ORDER:

1 We record the statement of Mr. Bhupesh Samant that Vakalatnama
on behalf of the Respondent Bank shall be filed within one week from today.

2 Learned Counsel for the Petitioner states on instructions from the
Petitioner who is present in Court that physical possession of one of the
secured assets i.e. Flat No.17 shall be voluntarily handed over to the
Respondent Bank on 31 August 2019 at 11 a.m. We accept the statement.
The Respondent Bank shall not take further steps to auction the said Flat
No.17 for a period of four weeks from today. If the Petitioner gets a buyer
for Flat No.17 it will be open for him to make a representation to the

Respondent Bank for purchase of the said flat by the buyer which may be considered by the Respondent Bank sympathetically.

3 Without prejudice to the rights and contentions of the parties, the Petitioner may make a Representation to the Respondent Bank to regularize the three accounts in question. If such Representation is made within one week from today, the same to be decided by the Respondent Bank within two weeks from the date of submission of the Representation.

4 We direct the Respondent Bank to defer the taking possession of the other secured assets i.e. Flat Nos.403 and 404 in question. A fresh notice shall be issued for taking physical possession of the said flats.

5 Since the Petitioner has an alternate remedy, we grant liberty to the Petitioner to file appropriate Application/proceeding before DRT to challenge the order of the District Magistrate dated 15 December 2018 and seek appropriate reliefs. The DRT shall decide the same without being influenced by this order.

6 The Petition to stand disposed of in the aforesaid terms.

(PRAKASH D. NAIK, J.)

(A.A. SAYED, J.)