

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

WRIT PETITION (STAMP) NO. 25487 OF 2019

Md. Sharif Hussain Sauleh & Anr. ...Petitioners
V/s
Dewan Housing Finance Corpn. Ltd. ...Respondent

Mr. Pratik Amin for the Petitioners.
Mr. Siddharth Samantray a/w. Ms.Dimple Tejani i/b. Medha
Rane for Respondent no.1.

**CORAM : A. A. SAYED &
PRAKASH D. NAIK, JJ.
DATED : 25th September, 2019**

P.C.:

On 13th September, 2019 the following order was passed:

“Learned Counsel for Petitioners states that the Petitioners are ready to pay outstanding dues of the Respondent no.1. On instructions from Petitioner no.1, who is present in the Court, learned Counsel for the Petitioners states that prior to taking physical possession of the secured asset which is scheduled for tomorrow i.e. 14th September 2019 at 11 am, the Petitioners shall hand over two post dated cheques viz (i) one dated 16th September 2019 for a sum of Rs.5 lakh, and (ii) another dated 23rd September 2019 also for a sum of Rs.5 lakh to the Respondent no.1.

2. If the two cheques as stated above are handed over before 11 am tomorrow i.e. 14th September

2019, the Respondent no.1 shall defer taking physical possession of the secured asset. We make it clear that if any of the cheque is returned dishonoured, the Respondent no.1 shall be free to take physical possession of the secured asset and the Petition shall stand dismissed.

3. In the meantime, the Statement of Account in respect of both the accounts of the Petitioners shall be furnished by Respondent no.1 to the learned Counsel for the Petitioners.

4. This order is passed without prejudice to the rights and contentions of parties.

5. Stand over to 25 th September 2019, high on board.”

2. It is not in dispute that the post-dated cheque of 16th September, 2019 for the sum of Rs. 5.00 Lakhs was dishonoured.

3. In view of the above, Petition already stands dismissed by virtue of the self-operative order dated 13th September, 2019. The Petition to stand disposed of accordingly.

(PRAKASH D. NAIK,J.)

(A.A.SAYED, J.)