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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION STAMP NO. 26359 OF 2019

Vasant Nathu Karlekar & Anr. .. Petitioners
Vs.
Dewan Housing Finance Corporation Ltd. .. Respondent

Ms. Poonam Utekar for Petitioners.

CORAM: PRADEEP NANDRAJOG, CJ. &
SMT. BHARATI DANGRE, J.

NOVEMBER 19, 2019.

P.C.

1. Having heard learned Counsel for the Petitioners we are constrained to dismiss the Writ Petition for the reason as of 09.02.2015 outstanding due to the Respondent was Rs.1,33,85,744/-. The Petitioners took recourse to proceeding under Section 17 of the SARFAESI Act, 2002 and on 14.06.2017 learned DRT-II, Mumbai passed an interim order in favour of the Petitioners staying auction sale upon the condition that the Petitioners would deposit ₹ 10 lakhs within four weeks from the date of the order and ₹ 15 lakhs within two weeks thereafter. The Petitioners deposited ₹ 10 lakhs but failed to deposit ₹ 15 lakhs.

2. Thereafter the Petitioners filed Writ Petition Stamp No. 22806 of 2019 when the Respondent proceeded to enforce the security. The said Writ Petition was disposed of on 13.08.2019 recording undertaking of the Petitioners to voluntarily surrender possession of the secured asset in case they do not obtain any interim relief from the learned DRAT.

3. In the Appeal filed by the Appellants (Petitioners) against the order passed by the learned DRT, a conditional order was passed on 20.08.2019 requiring Petitioners to deposit Rs.24,42,872/- on or before 17.09.2019. The same not being deposited, the impugned order dated 18.09.2019 has been passed.

4. Aforesaid facts show that sufficient leeway has been given to the Petitioners to comply with interim orders passed from time to time.

5. Thus, we find no merit in the Writ Petition and dismiss the same.

SMT. BHARATI DANGRE, J.

CHIEF JUSTICE