

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

WRIT PETITION NO.10731 OF 2019

Rajesh Bansraj Chavan & Ors. .. Petitioners

Vs.

M/s.Tata Capital Financial Services Ltd. .. Respondent

.....

Mr.Charles D'Souza a/w. Mr.Yash Badkur, Mr.Kushal Sawant i/b.
Mr.Puneet Gogad, Advocate for the Petitioners.

Mr.Rahul Mehta, Advocate for Respondents.

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

DATED : OCTOBER 04, 2019.

P.C. :

The Petitioners have impugned the order dated 24th September, 2019, passed by the DRT in the Interim Application No.958 of 1999 in S.A.No.329 of 2019. We are informed by the learned Counsel for the Petitioners that though the Petitioners have filed an Appeal before the DRAT, the Chairperson, DRAT is on leave from 3rd October, 2019 to 8th October, 2019, and, therefore, the Appeal could not be moved for seeking ad-interim/interim reliefs.

2 In the facts and circumstances of the case and to grant an opportunity to the Petitioners to apply for appropriate ad-interim/interim reliefs in the pending Appeal, in the interest of justice, we direct the Respondent to defer taking physical possession of the secured asset which is scheduled to be taken today. The Respondent shall give a fresh notice ten days to the Petitioners prior to taking over physical possession of the secured asset.

3 With the aforesaid directions, the Petition is disposed of.

(PRAKASH D. NAIK, J.)

(A.A. SAYED, J.)