

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12746 OF 2019

Mr. Mahesh Maganlal Gohil

..Petitioner

Versus

M/s. Tata Capital Housing Finance Ltd.

..Respondent

Mr. V. K. Dubey i/by V. K. Dubey Associates, Advocate for the
Petitioner.

Mr. Gauraj Shan a/w Vikas Salvi, Omar K. Shaikh i/by Vikas Salvi &
Associates, Advocates for the Respondent.

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

DATE : 11th DECEMBER, 2019

P.C.

1] We find no merit in the Writ Petition for the reason learned counsel for the Respondent has produced a copy of the statement of account which shows that the loan availed of by the Petitioner was repayable in equated monthly installments of ₹ 17,897/- commencing from the month of January 2016. Only first three EMI installments were cleared and thereafter post dated cheques started being dishonored. Intermittent amounts were deposited by the Petitioner in cash.

2] The last repayment in cash was on 30th April 2017 and thereafter no payment was made for a long period of time.

(903)-WP-12746-19.doc.

3] Learned counsel for the Petitioner states that the Petitioner is willing to settle the dues with the Respondent. If the Petitioner is willing to do so, he needs no assistance from the Court. We find that the secured asset has been taken possession of, we see no reason why auction of the secured asset be stayed.

4] The Writ Petition is dismissed.

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Panchal
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Balaji G.
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SMT. BHARATI DANGRE, J

CHIEF JUSTICE