

Sharayu Khot.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L) NO. 42 OF 2019

Mr. Subir Chakravorty & Ors.

...Petitioners

Versus

The Chairperson, D.R.A.T. & Ors.

...Respondents

Mr. Aloukik Pai, Mr. Raghavan Sarathy, Mr. Tejas A. Luniya,
i/by Thodur Law Associates, for the Petitioners.

Mr. S.N. Fadia, a/w Ms. Priyanka Fadia, for the Respondents No.
3 and 4.

**CORAM : A.A. SAYED &
RIYAZ I. CHAGLA, JJ.**

DATE : 8 January 2019

ORDER :

1. The grievance of the Petitioners is that despite taking circulation of the matter, the matter has not been listed before DRT on 7th January 2019 at 10.30 a.m. According to the

Petitioners, since the matter was not listed on board, the Petitioners could not move for urgent reliefs. Consequently, the Petitioners were dispossessed by the Respondent No. 3 from the flat in question (secured asset) on 7th January 2019 pursuant to the notice dated 21st December 2018 which is stated to have been received on 26th December 2018 by the Petitioners. It is averred by the Petitioners that as some complaints were filed by some Advocates, the file and papers of the Securitisation Application was sent to the Chairperson, D.R.A.T. for inspection and in view thereof, the matter was not listed on board.

2. Be that as it may, since the Petitioners had moved for urgent reliefs at the eleventh hour, and since flat in question has already been taken over by Respondent No. 3 on 7th January 2018, in the interest of justice, we pass the following order.

: ORDER :

- (i) The Petitioners are permitted to amend the

Securitisation Application No. 5 of 2019 by incorporating the prayer for restoration of possession. Consequential amendments are also permitted. Amendment to be carried out within a period of ten days from the date of this order. Amended copy of the Securitisation Application shall be served upon the Respondent No. 3. Respondent No. 3 to file Reply at the earliest.

(ii) The Securitisation Application shall be listed before the Debts Recovery Appellate Tribunal on 16th January 2019 and appropriate directions in respect of hearing of the Securitisation Application shall be given by D.R.T. The Petitioners are permitted to mention the matter before D.R.T. and produce a copy of this order.

(iii) In the peculiar facts and circumstances of the case, we direct that the Securitisation

Application shall be heard and disposed of by the D.R.T. expeditiously and in any event by 6th February 2019.

- (iv) Pending the Securitisation Application, the Respondent-Bank shall not put up the flat in question for public auction.
- (v) The Petition is disposed of with the aforesaid directions.

[RIYAZ I. CHAGLA J.]

[A.A. SAYED, J.]