

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

Amk

WRIT PETITION (L) NO. 1230 OF 2019

M/s. Raj Gems & Ors.

.. Petitioners

Vs.

Bank of India

.. Respondents

None for the Petitioners.

Mr. Anant Shinde for the Respondents.

CORAM : PRADEEP NANDRAJOG, C.J. &

SMT. BHARATI DANGRE, J.

DATE : 6th NOVEMBER, 2019.

P. C. :

1. The Writ Petitioners were aggrieved by an order dated 19.03.2019 passed by the learned Chief Metropolitan Magistrate appointing an Advocate to take possession of the secured assets which is a flat at Nepeansea Road and another flat with car parking space in Bandra-Kurla Complex. On 16.04.2019 the Petitioners gave an undertaking to hand over vacant possession of the secured assets in the time lines as stated in the affidavit. The undertaking was accepted with liability on the Petitioners to pay ₹ 50,000/- to the Respondent-bank.

2. Learned Counsel for the Respondent-bank states that ₹ 50,000/- has been paid. The undertaking filed was only with respect to the flat at Nepeansea Road, but the order of the Court requires possession of both flats to be handed over. Possession of the flat at Nepeansea Road has been handed over.

3. Since none appears for the Petitioners, the Respondent-bank would be free to take possession of the other flat as well. The Writ Petition is dismissed.

[SMT. BHARATI DANGRE, J.]

[CHIEF JUSTICE]

Arjun
M.
Kadam

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by Arjun M.
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