

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

WRIT PETITION (L) NO.1785 OF 2019

Juliana Fernandes and another	Petitioners
versus	
LIC Housing Finance Limited	Respondent

Mr.Deepak Shukla I/by B.N.Shukla & Co. for petitioners.

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

DATE : 13th June 2019

PC :

1. Learned counsel for petitioners states that the respondent-bank has been served. He has shown us a copy of letter dated 12th June 2019 which has been acknowledged by the respondent-bank. We record the statement of learned counsel for petitioners that affidavit-of-service will be filed during the course of the day.

2. The petitioners are challenging the order dated 6th March 2019 passed by learned Chief Metropolitan Magistrate, Mumbai in Case No.449/SA/2018. Learned counsel states that possession of the secured asset i.e. Flat No.401, 4th floor, Dunhill Shelter Co-operative Housing Society, CTS No.605, 605/1, Plot No.43, Andheri (West), Mumbai-400051, is scheduled to be taken on 17th June 2018.

3. The petitioner has an alternate and efficacious remedy in Debts Recovery Tribunal. We are, therefore, not inclined to entertain the petition. The petition is accordingly dismissed. However, to enable the petitioners to invoke the alternate remedy, we direct the

respondent-bank to defer taking possession of secured flat being Flat No.401, 4th floor, Dunhill Shelter Co-operative Housing Society, CTS No.605, 605/1, Plot No.43, Andheri (West), Mumbai-400051, for a period of one week from today.

(PRAKASH D. NAIK, J.)

(A.A.SAYED, J.)

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