

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

Amk

WRIT PETITION (L) NO. 1991 OF 2019

Mrs. Swati Kapoor, legal heir of
Mr. Anil Bishandas Kapoor .. Petitioner
Vs.
Standard Chartered Bank .. Respondent

Ms. Aarti Suvarna for the Petitioner.
Mr. Karl K. Shroff a/w. Ms. Hema Desai i/b Singhi for the Respondent.

CORAM : PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.
DATE : 6th NOVEMBER, 2019.

P. C. :

The Writ Petition had become infructuous before it was filed and thus we dispose of the Petition as infructuous. The reasons thereof are that proceeding under the SARFAESI Act, 2002, the Respondent-Bank took symbolic possession of the secured assets resulting in the Writ Petitioners filing S. A. No. 62/2019 praying that pending final hearing of the application the bank officers be restrained from taking further proceedings under the SARFAESI Act, 2002. No interim relief was granted to the Petitioners. As the bank proceeded to take physical possession of the secured assets, I.A. No. 508 of 2019 was filed before the learned DRT which was dismissed on 21.06.2019. The bank has since taken over physical possession of the secured assets. Sale has yet to take place. The Petitioners may move an application before the DRT

and if they can make out the case for the secured assets not to be sold, the DRT would pass suitable orders.

[SMT. BHARATI DANGRE, J.]

[CHIEF JUSTICE]

Arjun
M.
Kadam

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