

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

**NOTICE OF MOTION NO. 294 OF 2019
IN
WRIT PETITION NO. 1649 OF 2019**

Amber Asit Chakrabarti & Ors. ... Applicants

In the matter between

Amber Asit Chakrabarti & Ors ... Petitioners

Vs.

PNB Housing Finance Limited & Ors ... Respondents

Mr. Shailendra Mishra, Mr. Sharad Rai i/b. M/s. ARM Legal for the
Petitioners.

Mr. Siddharth Samantray a/w. Ms.Dimple Tejani i/b. Medha Rane
for Respondent No. 1.

**CORAM : A. A. SAYED &
PRAKASH D. NAIK, JJ.**

DATED : 23rd July, 2019

P.C.:

Writ Petition was disposed vide order dated 25th June, 2019.

The said order reads as follows:

“The Petitioners have already filed an appeal before the DRAT. Since the Petitioner's appeal is pending before the DRAT, we direct the Respondent No. 1 to defer taking possession of the secured assets i.e. five shops in question for a period of 10 days. Petitioners would be at liberty to move the DRAT for seeking appropriate orders.

2. We record the statement of learned Counsel

for the Petitioners that within two days the Petitioners shall pay a sum of Rs.50,000/- to the Respondent No. 1 towards costs. All contentions are kept open.

3. The Petition is disposed off in the aforesaid terms.”

2. It appears that due to non-service upon the Respondent Nos. 2 to 6, the matter before the DRAT was not listed. The Petitioners have made an Application for substitution of service.

3. We are informed that the Chairperson, DRAT is on leave from 15th July, 2019 to 26th July, 2019. In the meanwhile, the Respondent Bank has issued fresh notices on 15th July, 2019 for taking physical possession of the secured assets, which is scheduled on 25th and 26th July, 2019 @ 12.00 Noon.

4. In the facts and circumstances and since the DRAT is not presently available, we direct the Respondent Bank, not to act upon the notices and defer taking possession of the secured assets.

5. Notice of Motion to stand disposed of accordingly.

(PRAKASH D. NAIK, J.)

(A.A.SAYED, J.)