

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

WRIT PETITION (L) NO.2612 OF 2019

Rajesh D. Nahar and another	Petitioners
versus	
PNB Housing Finance Limited	Respondents

Mr.Mayur Khandeparkar with Ms.sonali Jain, Siddharth Samantrey
I/by MilyGhoshal for Petitioners.

Mr.A.R.Gole with Ms.Medha Rane with Dimple Tejani I/by Medha
Rane for Respondent-Bank.

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

DATE : 13th September 2019

PC :

1. The Petitioners have impugned the order dated 5th September 2019 of DRT. The Petitioners have a remedy of filing an Appeal before the DRAT, wherein the Petitioners would be required to make a pre-deposit of anything between 25% to 50% of the outstanding dues. In the circumstances, notwithstanding the judgments relied upon by learned Counsel for Petitioner, viz. (i) The Siemens Engineering and Manufacturing Co of India Ltd. Vs. The Union of India and another¹ and (ii) Harbanslal Sahnia and another Vs. Indian Oil Corpn. Ltd and others², we are not inclined to entertain the Petition. The Petition is dismissed with liberty to the Petitioner to approach DRAT.

1 (1976)2-SCC-981

2 (2003)2-SCC-107

2. We record the statement of learned Counsel for Respondent-Bank that for a period of one week from today, the auction sale shall not be confirmed.

(PRAKASH D. NAIK, J.)

(A.A.SAYED, J.)

MST