

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

WRIT PETITION (L) NO.2642 OF 2019

Asad Hussain Shaikh

Petitioner

versus

A.U.Small Finance Bank Ltd and others

Respondents

Mr.Ansari Asggar Kalim for Petitioner.

Adv.Sidharth Samantray with Adv.Dimple Tejani I/by Medha Rane  
for Respondent no.1.

Mr.Nilesh Samant, Portfolio Collection Manager, present.

Mr.Bhavesht Magan for Respondent no.2.

Mr.Asad Hussain Shaikh, Petitioner present in person.

Mr.Sangeet Kaushik, Respondent no.2 present in person.

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

DATE : 19<sup>th</sup> September 2019

PC :

1. Learned Counsel for Petitioner has tendered an Affidavit-cum-Undertaking of the Petitioner dated 19<sup>th</sup> September 2019 wherein the Petitioner has given a Schedule of payments to be made to the Respondent no.1. The Affidavit-cum-Undertaking states that in the event any of the cheque is dishonoured, the Petitioner shall hand over possession of Flat No.201 in question to the Respondent no.1 within one week from the date of dishonour of the cheque. The post-dated cheques as per the Schedule have been handed over to the learned Counsel for the Petitioner to the learned Counsel for Respondent no.1 in Court.

2. We accept the Undertaking of the Petitioner. The Respondent no.1 shall defer taking possession of the said Flat No.201. We make it clear that in the event possession of Flat No.201 is not handed over to the Respondent no.1 by the Petitioner in case of any cheque being dishonoured, the Petitioner shall be liable for action for aggravated contempt of Court.

3. We record the statement of learned Counsel for Respondent no.2-Borrower, who is present in Court, that the Respondent no.2 has no objection to the original Title Deeds being handed over by Respondent no.1 to the Petitioner in the event the amounts as stated in the Affidavit-cum-Undertaking are paid over to Respondent no.1 by the Petitioner.

4. The Petition is disposed of in the aforesaid terms.

(PRAKASH D. NAIK, J.)

(A.A.SAYED, J.)

MST