

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(C.) No.4699 of 2021

1. M/s Shivansh Enterprises Through Its Partners Mr. Dev Prakash Tripathi
S/o Late Shri Ram Achal Tripathi, Aged 47 Years R/o 71/8, Nehru Nagar
(West) Bhilai, District Durg Chhattisgarh
2. Dr. Chandra Prakash Tripathi S/o Late Shri Ram Achal Tripathi Aged
About 53 Years R/o 71/8, Nehru Nagar (West) Bhilai, District Durg
Chhattisgarh (Guarantor/ Mortgagor)

---- Petitioners

Versus

1. Kotak Mahindra Bank Limited (Successor Of Ing Vysya Bank) Through
The Authorized Officer, Satyam Apartment Gujarat Bhawan, 8, Wardha
Road, Dhantoli Nagpur, District Nagpur Maharastra Pin 440012
2. The Authorized Officer Kotak Mahindra Bank Limited, 27, B. K. C. C-27,
G Block Bandra Kurla Complex, Bandra (East) Mumbai Pin 400051
3. The Branch Manager Kotak Mahindra Bank Limited, Nehru Nagar,
Bhilai, District Durg Chhattisgarh
4. The Collector And District Magistrate Durg Chhattisgarh
5. Tahsildar Durg District Durg Chhattisgarh

---- Respondents

For Petitioners	– Mr. Sunil Sahu, Advocate.
For State	– Mr. Pawan Kesharwani, Panel Lawyer.
For Respondents No.01, 02 and 03	– Mr. P.R. Patankar, Advocate.

S.B.- Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-11-2021

1. Heard.
2. The petitioner is before this Court against the order dated 18.10.2021
passed by respondent No.5 directing the petitioner to handover the

possession of his residential premises in compliance with the order of the District Magistrate dated 26.11.2016. The petitioner has filed a securitisation application before the D.R.T. Jabalpur along with application for grant of stay. But due to the vacancy in D.R.T. Jabalpur, the securitisation application and the application for stay are remaining unheard and undecided. Therefore, it is prayed that this petitioner may be granted some relief until the case is taken up and decided by the D.R.T. Jabalpur.

3. Learned counsel for respondent No.1, 2 and 3 opposes the submissions and submits that in case any interim order is passed, the petitioners be directed to make partial payment of the amount outstanding against them.
4. Considered on the submissions and perused the documents filed along with the petition, the petition is disposed off at the motion stage.
5. It is ordered that the petitioners shall make payment of Rs.10,00,000/- within a period of 15 days from today.
6. The impugned proceeding drawn by respondent No.5 against the petitioners shall remain stayed until the application for grant of interim relief is decided by the D.R.T. Jabalpur subsequent to appointment of presiding officer. The petitioners are also directed not to take undue advantage of this stay order and seek for adjournment before the D.R.T. Jabalpur, when it starts functioning.
7. With these observations, the petition stands disposed off.

Monika

Sd/-
(Rajendra Chandra Singh Samant)
Judge