

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.11098 OF 2022

Murphy Electronics P Ltd. & anr. : Petitioners.
Versus
Union Bank of India : Respondent.

Mr. Vivek V Phadke for Petitioners.
Mr. R L Singh i/by M V Kini & Co. for Respondent.

**CORAM : K. R. SHRIRAM &
A. S. DOCTOR, JJ.
DATE : 19th OCTOBER 2022**

P.C.

1 In para-47 of the Petition there is an averment that Petitioners have filed Interim Application No.65 of 2021 before the Hon'ble DRAT seeking various reliefs including stay of execution of Recovery Certificate until Petitioners' interim application is decided.

2 Petitioners had filed this Petition because the post of Chairperson in DRAT was vacant and its charge has not been assigned to any other Court. This was in January 2022.

3 Mr. Phadke states, in response to a query by this Court, that there is Chairperson appointed in DRAT and Petitioners would pursue their remedy before the Hon'ble DRAT. Mr. Phadke seeks leave to withdraw this

Petition with liberty to pursue their remedy before DRAT. At the same time Mr. Phadke states that Respondent has possession of movable properties which were hypothecated/pledged to secure facility granted to Petitioner. Mr. Phadke states that Respondent be directed to dispose the movables first and if there is shortfall, then proceed against immovable which have also been mortgaged to Respondent.

4 Mr. Singh states that this relief has also to be raised before DRAT and Petitioner may approach Respondent with this suggestion and persuade Respondent to accept this suggestion. We cannot have any objection to the suggestion made by Mr.Singh.

5 Mr. Phadke states that his instructions are Respondent has disposed certain hypothecated/pledged movables but no details have been furnished to Petitioner. Mr. Singh states Petitioner may write to Respondent, and Respondent will respond suitably. If Petitioner makes such a request, Respondent shall respond with complete particulars within seven days of receiving said communication.

6 Petition accordingly disposed. Petitioner may move/approach the DRAT for ealy hearing of Petitioners' application

(A. S. DOCTOR, J.)

(K. R. SHRIRAM, J.)