

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

WRIT PETITION NO. 3144 OF 2022

Shrichand Sajandas Chawla and Anr. .. Petitioners
V/s

The State of Maharashtra & Anr. .. Respondents

Mr. Jitesh Agarwal , for the Petitioner.

**CORAM: A. A. SAYED &
ABHAY AHUJA, JJ.**

DATE : 17th MARCH 2022

P.C. :-

1. In view of the urgency expressed, the matter is taken on production board in the afternoon session
2. Learned Counsel for the Petitioners states that Respondent No. 2 TATA Capital Housing Finance Limited, has been served with the copy of the Petition.
3. Learned Counsel for the Petitioners states that the Petitioners are residing in Flat No. 601, 6th floor, Brighton

Building, Hari Om Nagar, Mulund East, Mumbai. The said flat No. 601 is a secured asset and is mortgaged to the Respondent No. 2. The Petitioners have been served with a Notice under Section 13(2) of the SARFAESI Act dated 29 November 2019 demanding a sum of Rs.1,17,61,962/-. The learned Counsel for the Petitioners states that the Petitioners have now received a notice that physical possession of the secured asset is to be taken on 28th March 2022. In the interest of justice, we grant limited protection to the Petitioners as it is represented to us that the Petitioners are willing to clear the dues of the Respondent No. 2 and it is not possible to have the Securitization Application filed by the Petitioners listed before the DRT by 21st March 2022. Hence, we pass the following order.

ORDER

- (I) The Petitioners shall pay a sum of Rs. 10,00,00/- (Rs. Ten Lacs only) by 19 March 2022 and further sum of Rs. 15,00,000/- (Rs. Fifteen Lacs only) by 24 March 2020 to Respondent No. 2-TATA Capital Housing Finance Limited.
- (ii) The Petitioners shall file an Undertaking in this Court to

the above effect by 19 March 2022.

- (iii) The Undertaking shall further state that if the Petitioners commit default in paying any of the aforesaid amounts as directed, they shall voluntarily handover the possession of the said Flat No. 601 on 28 March 2022 at 12 noon to the Respondent No. 2-TATA Capital Housing Finance Limited.
- (iv) We make it clear that the Petitioners shall not be entitled to claim any equities on the basis of this order. In the event the above Undertaking is not filed, the benefit of this order shall not be available to the Petitioners.
- (v) The Petition is disposed of with liberty to the Petitioners to move the Securitization Application before the DRT. We make it clear that the DRT would be free to pass appropriate orders as its deem fit without being influenced by this order,

(ABHAY AHUJA, J.)

(A. A. SAYED, J.)

YUGANDHARA
SHARAD
PATIL

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