

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 3466 OF 2022
WITH
INTERIM APPLICATION NO.2867 OF 2022
WITH
INTERIM APPLICATION NO.2858 OF 2022
IN
WRIT PETITION NO.3466 OF 2022**

Shakila W/o Late Sharafuddin Sayyed & OrsPetitioners
V/s.
The State of Maharashtra & Anr ...Respondents

Mr. Anand Mishra i/b Mr. Ashok M. Saraogi for Petitioners.
Mr. Manish Upadhye, AGP for Respondent No.1.
Mr. Nikhil Rajani i/b V. Deshpande & Co. for Respondent No.2.

**CORAM : K.R. SHRIRAM &
A.S. DOCTOR, JJ
DATED : 6th OCTOBER 2022**

P.C. :

1 Having considered the petition and the grounds raised in the petition, in our view, petitioners have an alternative remedy of taking out an application under Section 17 of the SARAFESI Act. Petitioners are at liberty to take out such application. If petitioners file the application within four weeks from today, the delay, if any, shall be condoned by the Debt Recovery Tribunal.

2 Petition dismissed. All rights and contentions kept open.

3 In view of the dismissal of the petition, interim applications do not survive and accordingly dismissed.

3 At this stage, Mr. Rajani tenders a copy of the letter dated 13th April

2022, which Mr. Rajani states is given by petitioner no.1, in which petitioner no.1 has agreed to hand over possession of Flat C-304 within two months, because C-Flat 305 was handed over on 13th April 2022, the day after this petition was affirmed. Copy of the letter dated 13th April 2022 is taken on record and marked “X” for identification. Mr. Mishra states he has also received a copy of the letter dated 13th April 2022 from Mr. Rajani.

4 For completion of record, registry to take on file the additional affidavit being filed by petitioners.

(A. S. DOCTOR, J.)

(K.R. SHRIRAM, J.)