

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9218 OF 2023

Kotak Mahindra Bank Limited

.. Petitioner

Versus

State of Maharashtra & Ors.

.. Respondents

Ms Tikshta Modi a/w Rukhsana Khan i/b. Akhil Modi & Associates for the Petitioner.

Mrs M. S. Bane, AGP for the Respondent-State.

**CORAM : B. P. COLABAWALLA &
M. M. SATHAYE, JJ.**

DATE : AUGUST 10, 2023

P. C.

1. By order dated 27th July, 2023, we had recorded a statement of the learned AGP that possession of the secured assets, namely, Flat No.201 and Flat No. 301 both admeasuring 840 sq.ft. each on the 2nd and 3rd floor of Harbansh Apartment Building, Plot No. 211, Shirvane Village, Nerul, Navi Mumbai, Thane, was to be taken on 9th August, 2023. In these circumstances, we had directed Respondent No.3 (Tehsildar, Thane) to ensure that possession of the said flats are taken

on 9th August, 2023. We had place this matter on board today for reporting compliance.

2. Today, when the matter is called out, the learned Advocate appearing for the Petitioner has stated that the Tehsildar has taken possession of Flat Nos. 201 and 301 and handed over the same to the Petitioner.

3. As far as Flat No. 101 is concerned, it is stated that possession of the said flat is with Bank of Baroda and is the subject matter of independent proceedings between Bank of Baroda and Kotak Mahindra Bank Limited pending in the DRT. She has fairly stated that since now that the order passed by us on 27th July, 2023 is complied with, nothing survives in the above Writ Petition and the same may be disposed of.

4. In light of the statement made by the learned Advocate appearing for the Petitioner and the fact that possession of Flat Nos. 201 and 301 is handed over to the Petitioner, nothing survives in the above Writ Petition and the same is accordingly disposed of. No order as to costs.

5. This order will be digitally signed by the Private Secretary/
Personal Assistant of this Court. All concerned will act on production by
fax or email of a digitally signed copy of this order.

[M. M. SATHAYE, J.]

[B. P. COLABAWALLA, J.]