

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9508 OF 2023

Juana S. Uppal

..Petitioner

Versus

Indus Mechanical Engineering
Co Pvt Ltd & Anr

..Respondents

ANALI
TUSHAR
ASWALE

Digitally signed by
ANALI TUSHAR
ASWALE
Date: 2023.08.02
13:16:33 +0530

Mr. A. R. Gole, Advocates for the Petitioner

**CORAM : B. P. COLABAWALLA, J &
M. M. SATHAYE, JJ.**
DATE : AUGUST 1, 2023

P.C.

The above Writ Petition is filed challenging the order dated 14th July, 2023 passed by the learned Presiding Officer, DRT-I, Mumbai in Miscellaneous Application No.40 of 2023 in Securitization Application No.92 of 2021.

2 Miscellaneous Application No.40 of 2023 was filed by the borrower *inter alia* seeking a cancellation of the Sale Certificate dated 11th May, 2023 issued in favour of the Petitioner in respect of a Duplex Bungalow at 27 Juhu Tara Road, Jitendra

Lane, Santacruz (West), Mumbai 400 054. The other relief sought was to grant an injunction restraining the Petitioner herein from creating any third party rights in relation to the said Bungalow. On 14th July, 2023, DRT-I granted ad-interim relief directing the parties to maintain status-quo. The order of the DRT-I reads thus:-

“1.Heard at length to all parties on the M. A. No.40/2023.

2.Since the issue of the M.A. is pertaining to the S. A. No.92/2021 and the same can be raised in the S. A. as an interim application and thus on the request of the Ld. Counsel for the Applicant the present M. A. may be now taken as an I. A. in S.A. No.92 of 2021 registry is hereby directed to give separate I. A. number to the present M. A.

3.Ld. Counsel for the Respondent Bank also the Auction Purchaser seeks time to file reply of the I.A.(which is converted from the M.A. No.40/2021 to IA). Let them do so with advance copy to the other side.

4.List this matter on 10/08/2023. Meanwhile parties are directed to maintain the status quo.”

3 Since the matter is going to come up before the DRT-I on 10th August, 2023, we dispose of this Writ Petition by requesting the DRT-I to dispose of Miscellaneous Application No. 40 of 2023 (and which is directed to be converted into an Interim Application) on 10th August, 2023 or any time soon thereafter.

4 The Writ Petition 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].