

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1337 OF 2019
IN
FIRST APPEAL NO. 368 OF 2019

Union of India Thr. The Assistant Director ...Applicant

In the matter between

Union of India Thr. The Assistant Director ...Appellant

Versus

M/s. Stressed Assets Stabilization Fund
(SASF) And Ors. ...Respondents

....

Mr. Ashish Chavan a/w Mr. D.P. Singh, Mr. Zishan Quazi, Mr. Jayesh Bhosale, Mr. Manoj Borkar, Advocates for Applicant.

Mr. Nishit Dhruva, Mr. Prakash Shinde, Ms. Niyati Merchant, Mr. Yash Dhruva, Mr. Harsh Sheth, i/b M/s. MDP & Partners, Advocates for Respondent No.1.

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**CORAM : K. R. SHRIRAM &
RAJESH S PATIL, JJ.**

DATED : 7th FEBRUARY 2023

P.C.:

On 18th April 2019, after the Appeal was admitted, Respondents were restrained from creating third party interest in respect of the mortgaged properties which are the subject matter of attachment under order dated 19th March 2014. The order has been in force for almost four years. Mr.Shinde states Respondent No.1 has

taken over the mortgage of the properties of Respondent No.3, which is in CIRP process since 14th January 2022.

2 Therefore, we confirm the order passed on 18th April 2019 and dispose the Civil Application.

3 We clarify that the order restrains only such properties which are subject matter of attachment under the order dated 19th March 2014. The properties which are not covered under the said order but mortgaged to Respondent No.1 or Respondent No.2, they may go ahead and dispose the said properties.

4 Appeal to come up for hearing in due course.

(RAJESH S. PATIL, J.)

(K. R. SHRIRAM, J.)