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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION***

INTERIM APPLICATION NO. 982 OF 2023

in

WRIT PETITION NO. 644 OF 2023

Latif Yusuf Manikkoth

... Applicant

V/s.

The Board of Directors of the
Bank of Baroda and Ors.

... Respondents

Ms. Maria Nedumpara with Mr. Shameem Fayiz i/b. Nedumpara
and Nedumpara for the Applicant

Mr. Akshaya Puthran with Mr. Sargan Agrawal i/b. S.K. Singh &
Co. for the Respondents

***CORAM : NITIN JAMDAR &
ABHAY AHUJA, JJ.***

DATE : 27 FEBRUARY 2023

P.C. :-

This application is taken out for extension of protection granted by this Court by order dated 13 February 2023. The prayer is strongly opposed by the learned Counsel appearing for the Bank.

2. By order dated 13 February 2023 we had disposed of the Petition by a detailed order noting that the parties are before the Debts Recovery Tribunal and that the application for ad-interim relief was disposed of on 15 July 2023 and that the Petitioner has a

remedy of filing an appeal. It was further noted that because the date of physical possession of the secured asset was of that date and the impugned order therein had not referred on the issue of MSME, we had granted indulgence by deferring the date of taking physical possession till 27 February 2023, even though the learned Counsel for the Bank had stated that the Petitioner is not diligent in prosecuting this Petition.

3. In spite of the matter pending in the Debts Recovery Tribunal, we had shown indulgence to the Petitioner. No further indulgence can be shown, as equities have to be balanced for both the sides.

4. The application is disposed of.

5. As regards any date granted for taking physical possession, it is for the Petitioner to approach the Debts Recovery Tribunal/Debts Recovery Appellate Tribunal for the said relief.

ABHAY AHUJA, J.

NITIN JAMDAR, J.

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