

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

WRIT PETITION NO. 3687 OF 2022

Girish Anil Haldankar and Ors. ... Petitioners

versus

Kotak Mahindra Bank and Ors. ... Respondents

.....

Mr. Pradip Zende with Mr. Malhar Pawar i/b. Mr. Nandu Pawar
for the Petitioners.

Mr. Alok Mishra for Respondent No.1 - Kotak Mahindra Bank.

Mr. Reehan Ajmerwalla i/b. M/s. Manilal Kher Ambalal and Co.
for Respondent No.7- ICICI Bank Limited.

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

DATE : 27 APRIL 2023

P.C. :-

On 3 April 2023, the following order was passed :

“1. The learned counsel for the Petitioners states that the facts and circumstances of this case are identical to the order passed on 6 February 2023 in A.S.Writ Petition No.7562 of 2021. He states that an identical order can be passed.

2. The Petitioners will give notice to the Respondents and file affidavit of service.

3. Stand over to 27 April 2023”.

2. The learned Counsel appears for Respondent No.1- Kotak Mahindra Bank and Respondent No.7-ICICI Bank Limited- Secured Creditors. The learned Counsel for the Petitioners states that he has given notice to the other Respondents.

3. The Civil Writ Petition No. 7562 of 2021, which is referred to in the earlier order was disposed of holding that the Petitioners have a remedy of approaching the Debts Recovery Tribunal and it was directed that the Secured Creditors will not take physical possession for a period of four weeks.

4. The learned Counsel for Respondent No.1 states that as of now only an order under section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, is passed. He further states that for a period of four weeks, it will not be practically possible to take physical possession and the Petitioners will be given sufficient advance notice.

5. The statement made by learned Counsel for Respondent No.1 makes it clear that physical possession of the flat in question stated to be in possession of the Petitioners would not be taken for a period of four weeks. No separate protective order in that regard is thus necessary.

6. Keeping all contentions of the parties open, we dispose of the Writ Petition.

ABHAY AHUJA, J.

NITIN JAMDAR, J.

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