

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.7125 OF 2024
IN
WRIT PETITION NO. 11246 OF 2023

Bafna Motors (Mumbai) Pvt Ltd & Ors .Applicants/Petitioners

Versus

Tata Motors Finance Solutions Ltd ..Respondent

ANJALI
TUSHAR
ASWALE

Digitally signed
by ANJALI
TUSHAR ASWALE
Date: 2024.04.08
15:30:38 +0530

Mr.Vivek Phadke, with *Mr.Omkar Kanegaonkar, Shivanjali Mane, Tejas Girap, Advocates for the Applicants/Petitioners.*

Mr.Omar Khaiyam Shaikh, with *Mr.Vikas Salvi i/b Vikas Salvi & Associates, Advocates for the Respondent.*

**CORAM : B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.**
DATE : APRIL 8, 2024

P.C.

The above Writ Petition, in terms of the consent minutes of order, was disposed of by order dated 8th September, 2023. The consent minutes of order inter alia recorded that the Petitioners have to pay certain sums to the 1st Respondent-NBFC, failing which possession of Flat No.22, Gobind Mahal, 86-B, Netaji Subhash Road, Marine Drive, Mumbai 400 002 (the “**secured asset**”) would be handed over to the 1st Respondent-NBFC.

2 Admittedly, the amounts as contemplated under the consent minutes of order are not paid. Accordingly, the 1st Respondent-NBFC has proceeded to take physical possession of the said secured asset. This fact is also confirmed by the learned counsel appearing on behalf of the Petitioners. He, therefore, submitted that the above Interim Application filed for seeking extension of time to make payment as set out in the consent minutes of order does not survive. He, therefore, sought leave to withdraw the same. In these circumstances, the above Interim Application is dismissed as withdrawn. However, there shall be no order as to costs.

3 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.

[SOMASEKHAR SUNDARESAN, J.] [B. P. COLABAWALLA, J.]