

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.9792 OF 2024

Anil V. Sawant	.. Petitioner
Vs.	
Ranchodlal M. Malli and Ors.	.. Respondents

Dr. Uday P. Warunjikar, i/by Mr. P.D. Purway, Advocates for the Petitioner.

Ms. Kavita N. Solunke, Assistant Government Pleader for the Respondent-State of Maharashtra.

**CORAM : A.S. CHANDURKAR &
RAJESH S. PATIL, JJ**

DATE : 12TH JULY, 2024.

PC. :

1. The grievance of the petitioner is that an order passed under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (*for short, "Act of 2002"*), is being executed and possession of the flat wherein the petitioner is residing is sought to be taken today at 1:00 p.m. The petitioner is neither the borrower nor the guarantor. Attention is invited to the Memorandum of Understanding, which is entered into between the petitioner and respondent no.1, wherein the petitioner's ownership of the said flat has been accepted. The Court Commissioner, who has been appointed to take over possession of the subject property, has issued a notice dated 14th June 2024 to the borrower as well as the Society in which subject flat is situated. It is submitted that the petitioner is residing in the said flat and this notice has been served on him by the Court Commissioner.

2. Issue notice to the respondents, returnable on 2nd August 2024. Learned Assistant Government Pleader waives notice for respondent no.3.
3. Subject to the petitioner depositing 25% of the outstanding amount as indicated in the notice issued under Section 13(2) of the Act of 2002 within a period of two weeks from today with the 2nd respondent, without prejudice to the rights and contentions of all parties, his possession as regards the subject property shall not be disturbed till the returnable date.
4. Needless to state that if the aforesaid amount is not deposited within a period of two weeks from today, the interim protection shall cease to operate automatically.
5. The parties to act on authenticated copy of this order.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]