

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

WRIT PETITION NO. 9867 OF 2024

Sudhakar V. Barvekar and Anr .. Petitioners
Vs.

Cholamandalm Investement &
Finance Company Ltd Through.
Its Atuthorised Officer & Ors .. Respondents

Mr. Ramdas Hake, Advocate for the Petitioners.

Mr. Alok D. Mishra, Advocate for the Respondent No.1.

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

DATE : 12th JULY2024.

PC. :

1. Not on board. Upon mentioning taken on production board.
2. In this Writ Petition challenge has been raised to the order passed by the Debts Recovery Tribunal on 11th July, 2024 refusing to grant any interim protection to the Petitioners. Since the said order was passed on 11th July, 2024 and the petitioners have been issued a notice that the possession of the secured assets would be taken on 13th July, 2024, this Writ Petition has been filed.

3. On instructions, the learned Counsel appearing for the Respondent No.1 submits that as of today no payment has been made to the Police Authorities to secure their presence for taking possession of the secured assets on 13th July, 2024.

4. Since we find that an alternate remedy is available to the petitioners and to grant some breathing time to avail such remedy, the following directions are issued, without prejudice to the rights and contentions of the parties:-

(a) The date fixed for executing the warrant of possession is rescheduled to 26th July, 2024 at 3.00 p.m.

(b). In the meanwhile, it is open for the petitioners to avail the alternate remedy before the Debts Recovery Appellate Tribunal.

5. Keeping all points on merits open, the Writ Petition is disposed of. No costs.

[RAJESH S. PATIL, J]

[A.S. CHANDURKAR, J.]