

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3459 OF 2008

Shri Bhimrao Bhagwantrao Inamdar

and anr.

: Petitioners

versus

The Karad Janata Sahakari Bank Ltd.

: Respondent.

Mr.S.V.Marne for the petitioners

Mr.Uday Warunjikar for Respondent.

CORAM : S.C.DHARMADHIKARI

S.S.SHINDE, JJ,

(VACATION BENCH)

DATED : MAY 27, 2008.

P.C.

1. In the light of the decision of the Division Bench of this Court so also considering the provisions of the Securitization Act, Mr.Marne, the learned advocate appearing for the petitioners, seeks leave to

withdraw this petition with liberty to file an appeal before the Appellate Authority stipulated under the Securitization Act. Leave is granted with liberty as prayed. Writ petition is dismissed as withdrawn.

2. Mr.Sanjay Baburao Kalbhor, Junior Officer, of the Karad Janata Sahakari Bank Ltd. is present in Court. Mr.Warunjikar on behalf of the Karad Janata Sahakari Bank Ltd. makes a statement that the bank will proceed to take symbolic possession only of the premises on the undertaking that the petitioners shall not in any manner alienate, encumber, part with possession or create third party rights in respect of the property admeasuring 8 Ares at Survey No.207/2B/2/4, village Malkapur, Tal.Karad, Dist.Satara. The bank is at liberty to take physical possession of the property, if the petitioner does not move the appellate authority within a period of 10 days from today. Petitioners to file undertaking by Friday i.e. 30.05.2008.

[S.C.DHARMADHIKARI, J]

[S.S.SHINDE, J]