

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 5575 of 2024

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DILIPKUMAR AKA DIPAKBHAI MAFATLAL PRAJAPATI SINCE
DECD THROUGH LH PIYUSHKUMAR DIPAKBHAI PRAJAPATI

Versus

ICICI HOME FINANCE COMPANY LTD. & ORS.

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Appearance:

MR ANVESH V VYAS(5654) for the Petitioner(s) No. 1
for the Respondent(s) No. 1,2,3,4

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CORAM:HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI

Date : 16/07/2024

ORAL ORDER

1. Heard Mr. Anvesh V. Vyas, learned advocate appearing for the petitioner.

2. Mr. Vyas, learned advocate submits that the petitioner herein is a purchaser, from the erstwhile owner, by virtue of the sale deed dated 28.02.2022. The petitioner herein approached the Debts Recovery Tribunal-1, Ahmedabad by preferring MA No. 9 of 2024, upon coming to the notice that, a Notice under Section 13(4) of The Securitization & Reconstruction of Financial Assets &

Enforcement of Security Interest Act, 2002 was issued by the respondent no.1 – Bank to the erstwhile owners, i.e. private respondent nos.2 to 4 herein. It is submitted that the said application came to be dismissed by order dated 02.03.2024 by the DRT-1, which is duly produced at Annexure-A, Pg.18, on the ground that there was a delay of 27 days in filing the said Application, from the date of taking physical possession of disputed property on 24.12.2023.

3. Mr. Vyas, learned advocate placed reliance on the judgment and order passed by the Hon'ble Division Bench in Letters Patent Appeal No. 224 of 2020 dated 28.06.2024.

4. Issue ***NOTICE***, returnable on ***30.07.2024***.

5. In the meantime, status-quo be maintained, as on today.

Direct service is permitted.

(VAIBHAVI D. NANAVATI,J)

Pradhyuman