

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

***CIVIL APPELLATE JURISDICTION***

**WRIT PETITION NO. 12145 OF 2024**

**Anand Rathi Global Finance Limited & Anr. .... Petitioners**

**VERSUS**

**Janakalyan Sahakari Bank Ltd. & Ors. .... Respondents**

Mr. Charles De Souza a/w. Mr. Vinay Deshpande, Mr. Rupak Sawanjikar i/b. V. Deshpande & Co. for the Petitioners.

Smt. M. S. Srivastava for the State - Respondent No.3.

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

**DATE : 28<sup>th</sup> AUGUST, 2024**

**P.C. :-**

The petitioners are aggrieved by the order dated 12<sup>th</sup> August 2024 that has been issued by the 1<sup>st</sup> respondent seeking to take steps for taking over possession of the Flat No. 1502, Building No. 56, Seawoods Estates CHS, NRI Complex Phase II, Near DPS School, Sector 54/56/58, Palm Beach Road, Nerul, Navi Mumbai – 400 706.

2. According to the learned counsel for the petitioners initially the owners of the said property had obtained finance from M/s. VSJ Investments Private Limited. That debt has been taken over by the petitioners on 31<sup>st</sup> March 2024. The petitioners claim its Central Registry of Securitisation Asset Reconstruction and Security Interest of India (CERSAI) registration on the aforesaid flat has been made on 4<sup>th</sup> November 2015. In spite of issuing a communication to the 1<sup>st</sup> respondent on 26<sup>th</sup> August 2024 pointing out these aspects, the 1<sup>st</sup> respondent seeks to proceed further in the matter.

3. Issue notice to the respondent nos. 1 and 2, returnable on 18<sup>th</sup> September 2024. The learned Assistant Government Pleader waives notice for the respondent no.3. We may note that the petitioners have tendered affidavit of service indicating due notice being given to the 1<sup>st</sup> respondent.

4. Considering the aspect of assignment of the debt coupled

with the CERSAI registration in its favour, there shall be *ad-interim* relief in terms of prayer clauses (b-i) and (b-iii) until further orders.

6. The parties to act on the authenticated copy of this order.

[ RAJESH S. PATIL, J. ]

[ A.S. CHANDURKAR, J. ]