

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).6630/2005

[from the final order and judgment of the High Court of Judicature at Bombay, Order dated

22.02.2005 in Writ Petition No.8686 of 2004]

M/S. DUWELL AGENCY & ORS.

Petitioner(s)

VERSUS

PUNE PEOPLES COOP. BANK LTD. & ORS.

Respondent(s)

( With appln(s) for exemption from filing c/c of the impugned Judgment and with prayer for int erim

relief ))

WITH I.A.NOS.2&3 (Appln. for permission to file addl.documents and for direction)

Date: 08/04/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE ARUN KUMAR

For Petitioner(s)

Mr. S.K. Dholakia, Sr. Adv.

Mr. Bhimrao N. Naik, Sr. Adv.

Mr. M.M. Shah, Adv.

Mr. C.G. Solshe, Adv.

Mr. Vinesh C.Solshe, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

Counsel for the petitioners submits that in the facts of this case n

o security was created

and, therefore, the provisions of the Securitisation and Reconstruction of Financial Assets and

Enforcement of Security Interest Act, 2002 will not apply. He draws our attention to the agreement

to mortgage executed in June, 2002 whereunder the petitioners could have been called upon to

execute deed of mortgage, but that was also not done. He, therefore, contends that the said Act will

not apply to this case and, therefore the civil court has jurisdiction to entertain his suit.

Issue notice.

Status quo as regards assets of which possession has been taken.

Dhawan)

(Sheetal Dhingra)

(Vijay

Court Master

Court Master