

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

WP(C) 2267/2025
CM
(6009/2025)

SHAKEELA BANO

...Petitioner(s)/Appellant(s).

Through: Mr. Burhan Gulzar, Advocate.

Vs.

Reserve Bank of India and Ors.

...Respondent(s).

Through: Mr. Shafqat Nazir, Advocate with
Ms. Heena Baqal, Advocate.

CORAM:

**HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE**

ORDER

18.11.2025

1. Impugned in this petition filed by the petitioner under Article 226 of the Constitution of India is an order dated 19th April, 2025, passed by the Chief Judicial Magistrate, Srinagar, on an application filed by the J&K Bank Ltd. under Section 14 of the SARFAESI Act, 2002.
2. Admittedly the petitioner herein is neither a borrower nor a guarantor nor any notice either under Section 13(2) or Section 13(4) of the SARFAESI Act, 2002, has been issued to her. The process has been initiated against the secured asset which has been mortgaged by one Yasmeeana Jan wife of the borrower Ghulam Nabi Mir with which, *prima facie*, the petitioner has not right, title or interest. The instant petition has been filed on the ground that the petitioner has an interest in the mortgaged property and, therefore, the same cannot be sold. The petitioner is none other than the wife of the brother of the borrower Ghulam Nabi and a family member. The borrower had earlier come to this Court by way of a writ petition bearing WP(C) No. 560/2022 to throw challenge to the notice issued by the Bank under Section 13(4) of the SARFAESI Act, 2002. The said writ petition was found to be devoid of any merit and the same was accordingly dismissed leaving it open to

the borrower Ghulam Nabi Mir to approach the Debts Recovery Tribunal (DRT) Chandigarh for redressal of his grievances.

3. It seems that the borrower Ghulam Nabi Mir could not get the desired relief from DRT and put up the petitioner here who is his sister-in-law to rack up the issue of title to the mortgaged property.

4. There is nothing on record to demonstrate that the petitioner has definite share in the mortgaged property or that he ever resented against the mortgage of the property by Yasmeena or obtaining of the loan by her brother-in-law, Ghulam Nabi. All seems to be in the family and this petition is filed by the petitioner only to safeguard the interest of Ghulam Nabi and to ensure that the bank loan which is payable by the borrower- Ghulam Nabi is somehow avoided and the Bank is restrained from recovering all the money lent by it to Ghulam Nabi by proceeding against the secured asset i.e. mortgage of the property.

5. For all these reasons, we find this petition to be grossly misconceived and bereft of merit and the same is accordingly dismissed.

6. However, the petitioner shall be at liberty to agitate the issue of the title to the joint property, if any, before the competent Civil Court of Jurisdiction.

(SANJAY PARIHAR)
JUDGE

(SANJEEV KUMAR)
JUDGE

SRINAGAR

18.11.2025

"Shahid Manzoor"