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

**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.6121 OF 2012**

Prakash Ganpatrao Kaldhone

..Petitioner.

V/s.

The Vita Merchant Co-operative Bank Lrs. and Ors.

..Respondents.

Mr.Nagesh Y. Chavan for the petitioner.

Mr.A.D. Magdum i/b. Mr.S.S.Patwardhan for respondent No.1.

Mr.V.S.Gokhale, AGP for respondent Nos.2 and 3.

**CORAM : A.S.OKA AND  
V.L.ACHLIYA, JJ.**

**DATED : 7TH SEPTEMBER, 2015**

**P.C. :-**

1. Heard the learned counsel appearing for the petitioner. The petition discloses that even an order under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcements of Security Interest Act, 2002 (for short 'the said Act') has been passed by the District Magistrate on 31<sup>st</sup> October, 2011. Thereafter, notice was issued to the petitioner for delivery of possession. It is not in dispute that symbolic possession of the property subject matter of the petition is already taken.

2 A statutory remedy under section 17 of the said Act is available to the petitioner. Hence, we decline to entertain this petition. Accordingly, we pass the following order:-

- i) We dispose of the writ petition by keeping the statutory remedy of the petitioner expressly open;
- ii) Ad-interim relief which is operating till today shall continue to operate for a period of four weeks from today to enable the petitioner to file appropriate proceedings;
- iii) All contentions on merits are kept open.

**(V.L.ACHLIYA, J.)**

**(A.S.OKA. J.)**

**C E R T I F I C A T E**

Certified to be true and correct copy of original signed  
Judgment / Order.