

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5133 OF 2015

M/s. Meenal Trading Pvt Ltd

..Petitioner

Vs.

Bank of Baroda

..Respondent

Mr. Prathmesh Kamat i/b Kaikini Phadke and Associates, for the
Petitioner.

Mr. Rabindra Hazari, for the Respondent.

CORAM :- **V. M. KANADE &
B. P. COLABAWALLA, JJ.**

DATE :- **JUNE 11, 2015.**

P. C.:

The grievance of the Petitioner is that order under Section 14 which has been passed by the learned Magistrate under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (“SARFAESI Act”), is against the dead person, and therefore, the impugned order be set aside.

2 Learned counsel for the Bank has submitted that the Petitioner has alternate and efficacious remedy for filing an application under Section 17 of the SARFAESI Act. It is also submitted that the Apex Court in the case of **United Bank of India v/s Satyawati Tondon and Others**¹, in terms has held that the Petition under Article 226 of the Constitution of India should not be entertained and remedy under Section 17 of the SARFAESI Act is available to the Petitioner.

3 There is some substance in the submission made by the Respondent. Hence, we do not propose to entertain this Petition under Article 226 of the Constitution of India. The Petition is disposed of, reserving the right of the Petitioner to file an application under Section 17 of the SARFAESI Act. All contentions are kept open.

[B. P. COLABAWALLA, J.]

[V. M. KANADE, J.]

¹ AIR 2010 SC 3413