

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION ST. NO.19212 OF 2014
IN
FIRST APPEAL NO.264 OF 2012

Suhas Govind Kulkarni

... Applicant

Vs.

UCO Bank & anr.

... Respondents

Mr.S.S. Kanetkar for the Applicant

Mr.Naish Amin for Respondent No.1

Mr.Vikram Sathey i/b RKM Legal for Resp. No.2

CORAM: SMT. VASANTI A. NAIK &
SHRI C.V. BHADANG, JJ.

DATE: 16th JANUARY, 2015

P.C.:

Heard. By this Civil Application, the applicant seeks permission to implead the State Bank of India as a party respondent to the First Appeal.

On hearing the learned Counsel for the parties and on a perusal of the application, as also the prayers made in the civil suit filed by the applicant, it appears that the prayer made in the application cannot be granted. The basis for filing this application is a possession notice issued in exercise of the powers under section 13 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. Instead of availing the appropriate remedy, the applicant has

approached this Court with a prayer for permission to joint the State Bank of India as a respondent to this appeal. In the facts of the case, the relief is denied. The judgment reported in **2013 5 SCC 397** (*Thomson Press (India) Ltd. vs. Nanak Builders and Investors Private Ltd. & Ors.*) and relied on by the learned Counsel for the applicant, is not applicable to the facts of this case. The judgment in the aforesaid decision is based on entirely different facts.

Moreover, it appears that the applicant has filed a separate petition seeking an order of restraint against the State Bank of India on the basis of the similar notice issued under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act.

Hence, the prayers in this Civil Application are rejected and the Civil Application is dismissed with costs.

(C.V. BHADANG, J.)

(VASANTI A. NAIK, J.)