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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L) No. 668 OF 2015

Suraj Ashok JadhavPetitioner
Vs.
Abhyudaya Coop. Bank Ltd. And Ors.Respondents

Mr. A.R. Pai a/w.Ms. N.N. Thakkar for Petitioner
Mr. Rajeev Pandey a/w. Mr.Madhur Rai i/b. PRS Legal for Respondent
No.1

CORAM : V. M. KANADE &
A. R. JOSHI, JJ

DATE : MARCH 11, 2015

P.C. :

1. Heard the learned counsel appearing on behalf of the Petitioner. The Petitioner is a guarantor, who is challenging the order of Metropolitan Magistrate under section 14 of the SRFAESI Act on various grounds.
2. In our view, it is a settled position in law that the Petitioner, who is a guarantor, has an alternate efficacious remedy of filing an appeal/ application under section 17 of the SRFAESI Act before the DRT. The Apex Court in the case of **United Bank of India vs. Satyavati Tandon [(2010) 8 SCC 110]** has, in terms, held that the petition filed under Article 226 of the Constitution of India, challenging the order passed by the Chief Metropolitan Magistrate under section 14 should not be entertained. In view of the observation of the Supreme Court in the said judgment, we are not in a position to entertain the petition. Hence, writ petition is dismissed on the ground that it is not maintainable and that the Petitioner has an alternate efficacious remedy of filing an

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appeal under section 17 of the SRFAESI Act. Respondent No.8, however, shall not take the possession of the property in question for a period of four weeks. Writ Petition is accordingly disposed of.

Parties to act on an authenticated copy of this order.

[A.R. JOSHI, J.]

[V. M. KANADE, J.]