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

WRIT PETITION (L) No. 836 OF 2015

Paramount Print Packaging
Private Limited & Ors.

... Petitioners

Vs.

State Bank of India & Anr.

... Respondents

Mr. Rohan Cama i/b T. N. Tripathi & Co., for the Petitioners.

Mr. Vivek Sawant, for Respondents.

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

DATE : MARCH 24, 2015

PC.

1. The Petitioners are seeking an appropriate, writ, order and direction, directing the Respondent-Bank not to dispossess them from the assets, which are mortgaged by them with the Bank, and for quashing the order dated 6th March, 2014 and the notice dated 12th November, 2014 which has been issued under Section 13(2) and 13(4) of the SARFAESI Act.

2. A preliminary objection is raised by the learned counsel appearing on behalf of the Bank. It is submitted that the Petitioners have approached the DRT, who was pleased to dismiss the application

of the Petitioners, and against the said order, the Petitioners have approached the DRAT and their appeal is pending since almost one year. It is submitted that therefore, petition is not maintainable and is liable to be set aside.

3. It is an admitted position that the Petitioners have approached the DRAT and his appeal is still pending there. The Petitioners, therefore, cannot file two proceedings before the two courts at the same time. Writ petition is, therefore, dismissed reserving the right of the Petitioners to pursue his appeal before the DRAT.

Sd/-
[A. R. JOSHI, J.]

Sd/-
[V. M. KANADE, J.]

Vinayak Halemth