

ssp

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW PETITION NO.90 OF 2015 IN
WRIT PETITION NO.11106 OF 2013

Javed Hussain Mohiuddin Jamadar ...Petitioner
vs.
Housing Development Finance
Corporation Ltd. & Ors. ...Respondents

Mr.S.G.Kudle for the Petitioner
Mr.Vishal Tambat for the respondent No.1
Mr.S.R.Moray i/b Mr.V.S.Talkute for respondent No.2
Mr.P.G.Sawant, AGP for respondent Nos.3 and 6.

CORAM : A.S.OKA, &
A.A.SAYED, JJ.
DATE : APRIL 6, 2016

P.C.:

1 Heard the learned counsel for the petitioner. He makes a grievance that the first respondent has not filed a reply notwithstanding an order of this Court. The learned counsel for the first respondent invited our attention to the order dated 7th March 2014 for pointing out that in fact this Court has not decided the issue of legality of the action under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "the said Act") on merits and this Court has declined to entertain the petition on the ground that after withdrawal of the earlier writ petition, though no liberty was granted, a fresh petition was filed by the petitioner. The learned counsel for the first respondent submits that even otherwise, statutory

remedies of the petitioner are open even as far as the action taken by the first respondent is concerned. He submitted that the remedies are open subject to satisfying the concerned Authority about the delay.

2 In view of aforesaid submission of the first respondent and in view of what is observed in paragraph 8 whereby we have specifically kept the remedy against the second respondent open, it is not necessary to entertain the review petition. Even otherwise, there is no ground to entertain this Petition. The learned counsel for the petitioner submits that the application for delay should not be opposed by the first respondent. It is for the petitioner to make out a case in that behalf which will be considered by the appropriate Authority in accordance with law.

3 Subject to what is observed above, review petition is disposed of. All contentions of the parties are kept open.

(A.A.SAYED,J.)

(A.S.OKA,J.)