

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5429 OF 2016

Jitendra R. Jain

.... Petitioner

Vs.

State Bank of India & Others

.... Respondents

Mr. Raj Patel i/by SSP Legal for the Petitioner.

Mr. Amol Arote i/by Goenka Law Associates for
the Respondent No.1-SBI.

CORAM: S.C. DHARMADHIKARI &
DR. SHALINI PHANSALKAR-JOSHI, JJ.

DATE : MAY 03, 2016

P.C:

After having heard the petitioner's Advocate for some time, we do not think that the petitioner can resist the proceedings under Sections 13 and 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. The petitioner himself accepts the liability towards the Bank, but pleads for a private sale of the property which is mortgaged in the Bank's favour. Surely, it is for the Bank to decide how to dispose of the property which is

mortgaged in its favour. Once such is the position and the facts do not demonstrate that the petitioner is occupying that residential bungalow, or is in possession thereof, then all the more we are disinclined to entertain the writ petition. It is dismissed.

(DR. SHALINI PHANSALKAR-JOSHI, J.)

(S.C. DHARMADHIKARI, J.)