

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2288 OF 2014**

Sunil M. Mehta	..	Petitioner
versus		
State Bank of Mysore	..	Respondent

Mr. Herbert Noronha for Petitioner.

**CORAM: DR. MANJULA CHELLUR, C. J. AND
M. S. SONAK, J.
DATE : 24 OCTOBER 2016**

P.C.:

1] Writ petitioner is challenging impugned order dated 29th August 2003, which is self-explanatory and reads thus :

“Issue Recovery Certificate against the Defendants for Rs.10,37,650.36 (Rs. Ten Lacs Thirty Seven Thousand Six Hundred Fifty and paise Thirty Six only) with interest on Rs.8,52,433.60 @ 19.5% p.a. from the date of filing of the O.A. in High Court of Judicature at Bombay till further realisation.”

2] According to the writ petitioner, who claims to be the defendant and so-called judgment debtor, there is no decree in existence of 1990, therefore, there ought not to have been an order on 20th December 1996 that a decree was passed already on admission. These are all denial of facts placed on record by several orders. Since the DRAT, statutory appellate authority is provided under the statute which can enquire into the factual situation as well, we are of the opinion that the petitioner has to approach the DRAT and not this Court under Article 226 of the Constitution of India.

3] Writ petition is disposed of.

(M. S. SONAK, J.)

CHIEF JUSTICE