

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3547 OF 2017
(Balkrishna Laxman Pendharkar Vs. The Sangamner
Merchants Co-operative Bank Ltd. Through its Branch
Office and another)

Mr. Amol S. Gandhi, Advocate for the Petitioner

CORAM : S.V. GANGAPURWALA AND
SANGITRAO S. PATIL, JJ.

DATE : 16th MARCH, 2017

PER COURT :

We have heard Mr. A.S. Gandhi, the learned counsel for the petitioners.

2. It is submitted that the possession is taken by the respondent-bank. Every action under section 13 (4) of the Securitization And Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, "SARFAESI Act") gives rise to a fresh cause of action. The petitioner has an alternate remedy under section 17 of the SARFAESI Act.

3. In view of the above, though Mr. Gandhi sought to canvas the submissions on merits, we are not inclined to consider the same. The Writ Petition is disposed of

with liberty to the petitioner to avail of the alternate remedy available in law. All contentions are kept open.

No costs.

[SANGITRAO S. PATIL]
JUDGE

[S.V. GANGAPURWALA]
JUDGE

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