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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.8153/2017

Sulochana w/o Manohar Surwade.
...Petitioner..

Versus

The District Magistrate, Jalgaon
and others.
...Respondents...

.....

Shri Rakhunde, Advocate h/f Shri S.B. Bhapkar, Advocate
for petitioner.

Shri A.R. Kale, AGP for respondent no.1.

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**CORAM: DR.MANJULA CHELLUR, CJ. &
R.M. BORDE, J.**

DATE: 29.06.2017

ORDER :

- 1] Heard learned counsel appearing for the parties.
- 2] The petitioner is challenging the proceedings initiated by respondent no.2 under the Securitization and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (for short, SARFAESI Act). The main challenge is with regard to the so called family settlement between her and her husband wherein the property in question seems to have been allotted to her

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share and, therefore, she questions the initiation of proceedings.

3] Apart from the factual issues being raised to be considered by this Court, in terms of Section 17 of the Act, there is alternative effective forum meant for the challenge of the nature now raised. Therefore, we are of the opinion that the writ petition itself is not maintainable.

4] Accordingly, the petition is dismissed reserving liberty to the petitioner to approach the proper forum.

(R.M. BORDE, J.)

CHIEF JUSTICE