

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION (ST.) NO.287 OF 2017

M/s. Shree Medical and General Stores,
proprietorship firm through its proprietor
Shri. Tushar Chintaman More ... Petitioner

V/s.

Indian Overseas Bank ... Respondent

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Mr. Prashant Dhanvi i/b. Mr. D. V. Godbole for the petitioner.

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**CORAM : R. M. BORDE &
A. S. GADKARI, JJ.**

DATE : 24 JANUARY, 2017.

P.C. :

. The petitioner is objecting to the order passed in Securitization Application No.350 of 2016 dated 24 January, 2016. There is an alternate remedy available for the petitioner to challenge the said order.

2. Apart from availability of an alternate remedy, it appears that the intention of the petitioner is to defeat the claim of the creditor.

3. The order has been passed by the District Magistrate, Thane against M/s. Shree Medical and General Store (Borrower) a Partnership Firm. The petitioner before us, is a Proprietorship Firm represented by the same individual who is a partner of respondent no.1 in Securitisation

Application No.350 of 2016. Some error in regard to name may not matter since the individual who represents both the firms i.e. Proprietorship Firm as well as Partnership Firm is one and the same. As has been recorded above, it appears that he intends to defeat the bona fide claim of the creditor / bank.

4. In this view of the matter, no interference is called in exercise of writ jurisdiction under Article 226 of the Constitution of India. The petition is devoid of any merits. The petition thus stands rejected.

(A. S. GADKARI, J.)

(R. M. BORDE, J.)