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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO.9143 OF 2014
WITH
CIVIL APPLICATION NO.259 OF 2017**

Vishal Vijay Rajmane

..Petitioner

Vs.

The Saraswat Co-Op. Bank Ltd & Ors.

..Respondents.

Ms. Sharaddha Dudhale for Petitioner.

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

DATE: 20 FEBRUARY 2017.

P.C.:

1] The writ petition was dismissed on 26th October 2016 by this Court by observing that, this petition is pending since 2014 and no attempts were made to seek any order or relief in furtherance of the prayers in the writ petition.

2] Today also when the matter was called out, the learned counsel appearing for the petitioner was even not aware of about the factual controversy involved in the matter and not in a position to assist the Court.

3] However, for the reasons mentioned in the Civil Application, we allow the Application No.259 of 2017 and the writ petition is restored to original number.

4] We have perused the prayers made in the petition.

5] Prima facie it appears that though the Petitioner is having alternate remedy for redressal of his grievance, he did not avail the same. We do not find any reason to exercise writ jurisdiction, since the notice under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (**SARFAESI ACT**) was issued way back in the year 2011 by the respondent bank, which is subject matter of challenge in the petition. The sale certificate has also been issued in the year 2011 by the respondent-bank. In view of availability of alternate remedy for redressal of grievance, which the petitioner did not avail till this date, the writ petition deserves no favourable consideration and the same is rejected.

(A.S. GADKARI,J.)

(R.M. BORDE, J.)