

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION (ST) NO. 30724 OF 2016

Bhavesh Soni

... Petitioner

v/s

Rajmal M. Jain and others

... Respondents

Mr Karan Bhosale i/b Mr Ajay S. Yadav for Petitioner.

Ms Sapana Rachure i/b M/s T.N. Tripathi and Co. for Respondent No. 2.

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

DATE : JANUARY 09, 2017

P.C.:

1. In view of the availability of alternate remedy as provided under section 17, more specifically, in view of amended provision of sub-section 4A of section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 (SARFAESI Act), this Petition need not be entertained. It is open for the Petitioner to avail of the alternate remedy. Interim protection granted in favour of the Petitioner on 7th November 2016 shall remain operative for period of four weeks from today. It would be open for

the Petitioner to make appropriate application to Debt Recovery Tribunal for redressal of his grievance and the DRT may consider such application on its own merits and in accordance with law and without getting influenced by the observations made in this order. Writ Petition is disposed of.

(A.S. GADKARI, J.)

(R.M. BORDE, J.)