

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7796 OF 2018

Moses Anthony D'Silva and anr.	.. Petitioners
Vs.	
State of Maharashtra and ors.	.. Respondents

Mr. P. G.Sabnis i/b Mr.Jayant B. Apte, for the Petitioners.
Mr. Vivek S. Sawant, for Respondents No. 3 & 4.
Mr.A.A.Alaspurkar, AGP for Respondents No. 1 & 2 - State.

**CORAM : A.A.SAYED &
M.S.KARNIK, JJ.
DATE : 25th JULY 2018**

P.C. :

. Inasmuch as the Petitioners have an alternate efficacious remedy before DRT, we are not inclined to entertain the Petition. The Petition shall accordingly stands dismissed.

2. The learned Counsel for the Petitioners states that the DRT, Pune is dismissing all Securitization Applications of borrowers as not maintainable unless physical possession of the secured asset is first handed over by the borrowers to the

secured creditors. He submits that the other DRTs are entertaining Securitization Applications of borrowers without insisting on first handing over possession of the secured asset to the secured creditors. It is expected of DRT to prima facie consider the merits of the matter while deciding the Interim Applications in the Securitization Applications if filed by the Petitioners.

3. The Writ Petition is disposed of.

(M.S.KARNIK, J.)

(A.A.SAYED, J.)