

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

WRIT PETITION NO. 4054 OF 2019

...
Amjad Abdul Rahim Shaikh And Ors.Petitioners

V/S

The Chairman, Muslim Co-op. Bank Ltd. Pune
And Ors.Respondents

...
Mr.Aditya Barthakur I/b Hinge and Deshmukh Associates for the Petitioners.
Mr.S.L.Babar, AGP for the State.

...
CORAM : A.A. SAYED &

RIYAZ IQBAL CHAGLA, JJ.**DATED : 10 APRIL 2019****P.C.:**

The Petitioners have filed this Petition seeking the following reliefs:

- “(a) Rule be issued and the Petition be allowed with costs;
- (b) Hon'ble Court be pleased to issue appropriate writ, order and or direction and declare sale deed dated 05-04-2016 as null and void;
- (c) Hon'ble Court be pleased to issue appropriate writ, order and or direction requiring Respondent No.3 to hand over the vacant and peaceful possession of the said flat to the Petitioners forthwith;
- (d) Hon'ble Court be pleased to issue appropriate writ, order or direction to Respondent No.2, that banking license of Respondent No.1 be cancelled forthwith;”

2. The Petitioners are essentially challenging the measures under the SARFAESI Act including the auction sale and the sale deed dated 05-04-2016. The Petitioners claim that there was high-handedness by the Respondent-Bank in taking possession of the flat in question, which was the secured asset. The Petitioners have an alternate remedy to challenge the measures taken by the Respondent-Bank under the provisions of the SARFAESI Act before the DRT. In the circumstances, we are not inclined to entertain this belated Petition.

3. Keeping the remedy of the Petitioners open, we dismiss the Petition.

(RIYAZ IQBAL CHAGLA, J.)

(A.A.SAYED, J.)