

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (L) NO.20046 OF 2019

Mr. Vasant Mishrilal Parakh & Ors. V/S TATA Capital Financial Services Ltd. & Ors.	...	Petitioners Respondents
Mr. Ashutosh N. Ranade for the Petitioners. Mr. Nikhil Mehta for Respondent No.1. Ms. S.S. Bhende, AGP for Respondent Nos.2 and 3/State.	...	

**CORAM : A.A. SAYED &
PRAKASH D. NAIK, JJ.**
DATE : 16 SEPTEMBER 2019.

ORDER:

1 The prayers in the Writ Petition read as follows:

- “i) The Hon’ble Court kindly be called for records of documents of all Suits filed by Respondent No.1 i.e. from Hon’ble JMFC Jaipur Court, Hon’ble District Court, Pune and Hon’ble Arbitrator.
- ii) The Hon’ble Court be pleased to hereby “Set Aside” the orders passed by the Hon’ble District Judge, Pune and stop further hearing before Arbitrator.
- iii) The Hon’ble Court be pleased to direct Respondent No.1, 2 & 3 to stop mischief and harassment to the Petitioner No.1, 2 and 3.
- iv) The Hon’ble Court be pleased to Rule and Stay the Orders and begs to state to continue the possession of the property till the final disposal of the Suit.

v) Any other equitable orders be kindly passed by this Hon'ble Court to save the Petitioners in the interest of justice."

2 Learned Counsel for Respondent No.1 has pointed out that there is an order passed by the Respondent No.3 District Collector on 22 June 2018 under section 14 of the SARFAESI Act and the Petitioners have not challenged the said order. It is pointed out that the dues of the Petitioners as of today approximately Rs.2.06 crores.

3 The nature of reliefs sought by the Petitioners cannot be granted in the exercise of discretionary and extraordinary writ jurisdiction of this Court. The Petitioners have remedy before the DRT to challenge the measures taken by the Respondent No.1 under the SARFAESI Act. In the circumstances, we are not inclined to entertain the Petition. The Petition is dismissed with liberty to the Petitioners to resort to the appropriate remedies available to them in law.

(PRAKASH D. NAIK, J.)

(A.A. SAYED, J.)

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