

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Amk

WRIT PETITION (STAMP) NO. 24458 OF 2019

Rajnibhai Kanubhai Hirpara & Anr. .. Petitioners
Vs.
Reliance Home Finance Ltd. & Anr. .. Respondents

Mr. Minesh K. Shah i/b Mr. Mangesh Patel for the Petitioners.
Mr. R. L. Motwani for Respondent No.1.

CORAM : PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.
DATE : 6th NOVEMBER, 2019.

P. C. :

1. The Petitioner obtained home loan in a sum of ₹ 1.65 Crores repayable in 120 Equated Monthly Installments of ₹ 2,31,982/-. Shop Nos.20 & 21, Basement Floor, Atlantic Plaza Garage Gully, Bhavani Shankar Road, Dadar (W), Mumbai was pledged as security. There was default. The financial institution proceeded under SARFAESI Act, 2002. The Petitioners filed securitization application before the DRT which passed a conditional order restraining the Respondent-financial institution from proceeding ahead subject to the Petitioner depositing ₹ 11.40 lakhs by 29.08.2019. Without annexing a copy of the said order, the Writ Petition has been filed.
2. The Petitioners have a statutory remedy of appeal before DRAT to challenge the order dated 22.08.2019 and thus we dismiss the Writ Petition relegating the Petitioners to statutory remedy noting that

during the pendency of the present Petition, the Petitioners have deposited ₹ 5 lakhs with the Respondent-financial institution.

[SMT. BHARATI DANGRE, J.]

[CHIEF JUSTICE]

Arjun
M.
Kadam

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