

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO.2451 OF 2020

Subhash Karbasappa Tadkale
and anr.

.. Petitioners

Versus

Sudaram BNP Paribas Home
Finance Ltd., through its
Managing Director and ors.

.. Respondents

Mr A.V. Patil (Indrale), Advocate for petitioners
Mrs P.V. Diggikar, A.G.P. for respondent-State

**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 11th February 2020

ORAL ORDER :

1. The petitioners are assailing the action under Section 13 (2) and 13 (4) of the Securitization and Recognition of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred as "SARFAESI Act").

2. Mr Patil, learned Counsel for petitioners submits that the petitioners are not served with the notice under Section 13 (2) of the SARFAESI Act. As such, did not get an opportunity to raise an objection under Section 13 (3) (a) of the SARFAESI Act. Learned Counsel submits that the respondents have resorted to an action under Section 13 (4) of the SARFAESI Act.

3. If an action under Section 13 (4) of the SURFAESI Act is resorted by the secured creditor, the petitioners can assail the same by filing appeal under Section 17 of the SARFAESI Act.

4. The petitioners may avail the said remedy. All contentions are kept open.
5. Writ Petition is accordingly disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S.V. GANGAPURWALA, J.)

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