

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION No.101/2020

Smt. Laxmi wd/o Madangopal Girdhar and others
 Vs.
 The Authorized Officer, Bank of India, Main Branch, Bhandara and others.

*Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.*

Court's or Judge's Orders

 Shri S.P.Kshirsagar, Advocate, for petitioners.
 Mrs. S.S.Jachak, Assistant Government Pleader for respondent
 nos. 2 and 3.

**CORAM : R.K.DESHPANDE and
 A.S.CHANDURKAR, JJ.**

DATE : 07.01.2020

Petitioners are the borrowers and have suffered an order from Debts Recovery Tribunal. The property was attached and it was auctioned. The Sale Certificate was issued on 09.05.2017. The auction purchaser has obviously deposited the entire amount with the bank. The contention is that after issuance of the Sale Certificate, there is no jurisdiction to execute the order passed under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interests Act, 2002 (for short, 'the SARFAESI Act') for taking possession of the property. The possession can only be taken in execution of the decree passed by the Debts Recovery Tribunal.

We put a specific question to the learned counsel for the petitioners to point out to us the provision under which such possession can be taken in absence of any order passed under Section 14 of the SARFAESI Act. The learned counsel for the petitioners unable to show us

any such provision. The petitioners have a remedy to challenge the order impugned by filing an appeal before the Debts Recovery Appellate Tribunal.

In the facts and circumstances of the case, we do not find any reason to entertain this petition. The writ petition is dismissed. No costs.

JUDGE

JUDGE

Andurkar..