

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

WRIT PETITION NO. 2496 OF 2022

Mumtazbegum Abdulwahab }		
Kumthe and Ors. }		Petitioners
versus		
Shriram Housin Finance Ltd. }		Respondent

Mr. Nitin Kalshetti for the petitioners.

Mr. Chetan Agarwal for the respondent no. 1.

**CORAM: DIPANKAR DATTA, CJ &
M. S. KARNIK, J.**

DATE: MARCH 11, 2022

P.C.:

1. This writ petition is at the instance of debtors of the respondent no. 1, which is a private financial company. The prayer in the writ petition is for declaring a notice dated 16th January 2019 issued under section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 as null and void as well as for quashing of an attachment notice dated 5th December 2019, both issued by the respondent no. 1. The petitioners have also prayed for an injunction restraining the respondent no. 1 from interfering with the petitioners' peaceful possession and enjoyment of the subject property, which is the secured asset.
2. Having regard to the recent decision of the Supreme Court in **Phoenix ARC Private Limited vs. Vishwa Bharati**

Vidya Mandir and Ors.¹, decided on 12th January 2022, more particularly paragraph 12 thereof, a writ petition challenging actions taken by a private financing company is not maintainable. In view thereof, we have no other option but to decline interference.

3. The writ petition stands dismissed. There shall be no order as to costs.

4. This order shall not preclude the petitioners to pursue their remedy before the appropriate forum in accordance with law.

5. All contentions are left open.

(M. S. KARNIK, J.)

(CHIEF JUSTICE)

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¹ Civil Appeal Nos. 257-259 of 2022