

AGK

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

WRIT PETITION NO. 2192 OF 2022

Mangesh Eknath Sangle ...Petitioner

V/s.

Union Bank of India ...Respondent

Mr. Sudhant Valimbe with Ms. Aarti Nishad, Chaitanya Kulkarni
& Mr. Vedang Kulkarni for the petitioner.

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

DATE: MARCH 3, 2022

P.C.:

1. Original Application No. 194 of 2015 instituted by the respondent before the Debts Recovery Tribunal was allowed by a judgment and decree dated 21st February 2018. In pursuance of such a decree, a recovery certificate came to be issued on 20th June 2018. It is claimed that the petitioner came to learn of the decree as well as the recovery certificate on 21st January 2022, whereafter this writ petition has been instituted on 8th February 2022 seeking *inter alia* the following relief:

“(b) This Hon’ble Court be pleased to pass orders for deletion of item (d) from Exhibit “L” forming part of the order/decreed dated 21/02/2018.

(c) This Hon’ble Court be pleased to pass orders closing the Recovery Proceedings No. 9/2018 qua the present Petitioner for the same being nullity and non-est in the eyes of law;”

2. In view of the alternative remedy available to the petitioner under the Recovery of Debts and Bankruptcy Act, 1993 as well as the circumstance that none of the exceptions on the fulfillment whereof a writ petition can be entertained despite the litigant not availing the alternative remedy is fulfilled in the present case, we are not inclined to entertain this writ petition.

3. The writ petition is dismissed. No costs.

4. This order of dismissal shall not preclude the petitioner to approach the appropriate forum, in accordance with law.

(M. S. KARNIK, J.)

(CHIEF JUSTICE)

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