

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

WRIT PETITION NO. 12321 OF 2018

Shri Balaram Haribhau Patil

..Petitioner

v/s.

Navi Mumbai Co-op. Bank Ltd. & Ors.

..Respondents

Mr. Harish Pawar i/b. Vishal Narkar for the Petitioner/s.

Mr. Dilip Bodake for the Respondent Nos.1 and 2.

Mr. C.D.Mali for the Respondent Nos.3 to 6.

**CORAM : ANUJA PRABHUDESSAI, J.
DATED : 22nd DECEMBER, 2022.**

P.C.

1. The Petitioner herein has sought urgent circulation on the ground that the Respondent No.1 Bank has initiated execution proceedings and that the Circle Officer has issued notice dated 1st December, 2022 for taking physical possession of the secured asset.

2. The records reveal that the Petitioner had availed loan from Urban Bank. He had defaulted payment and recovery proceedings were initiated . The Recovery Certificate was issued in the year 2016 for an amount of Rs.38,52,582/-.

3. Learned Counsel for the Respondent states that the Recovery Certificate has not been challenged. He states that since the year 2015, the Petitioner has paid Rs.13,00,000/-, which has been adjusted towards

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interest. He states that as on 31.11.2022, the amount payable is Rs.1,09,77541.50.

4. The Petitioner has expressed inability to deposit even 25% of the amount. In such circumstances, I am not inclined to grant any interim relief. Furthermore, the Petitioner has alternate efficacious remedy, which he has not availed. Hence, I am not inclined to entertain the petition. The Petition is dismissed.

(ANUJA PRABHUDESSAI, J.)