

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7811 OF 2022

Sultana Shaikh Abdul Rashid

.. Petitioner

Versus

Debt Recovery Officer,
State of Maharashtra & Ors.

.. Respondents

.....

- Ms. Rehana Begum for the Petitioner
- Mr. Vijay J. Bhanushali for Respondent No. 3
- Smt. S.D. Vyas – GP - 'B' Panel Counsel for State
- Ms. Merlyn Vasudeo Monteiro for Canara Bank

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**CORAM : K. R. SHRIRAM &
MILIND N. JADHAV, JJ.**

DATE : JUNE 30, 2022

P.C.:

1. Ms. Begum appearing for petitioner intends to amend the cause title regarding respondent No. 7 and add Canara bank separately as respondent No. 8. The amendment be carried out within one week from today.

2. The primary grievance of petitioner is about appointment of debt recovery officer by an order passed by DRT 2, Mumbai on 10.04.2018. Ms. Begum states that copy of this order was served upon petitioner only on 27.06.2022.

3. Ms. Monteiro appearing for Canara bank who undertakes to file

vakalatnama within one week from today states that multiple notices have been served upon the occupier of the premises which is the subject of the petition and the attempt of petitioner is only to get a stay and thereby deprive Canara bank of its rightful dues.

4. In our opinion, petitioner should avail of the alternate remedy available to petitioner if petitioner wishes to challenge the order dated 10.04.2018 and any subsequent orders. We, therefore, direct the bank not to take physical possession for one week from today.

5. We clarify that we have not expressed any opinion or views on the merits of the matter which the appropriate forum that petitioner will approach, will decide in accordance with law.

6. Petition stands disposed.

7. All to act on authenticated copy of this order.

[MILIND N. JADHAV, J.]

[K. R. SHRIRAM, J.]

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