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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2472 OF 2022

Urvashi Avinash Dhanorkar .. Petitioner

Versus

Avinash Rambhau Dhanorkar & Ors. .. Respondents

Mr. Swapna P. Kode for the Petitioner.
Ms Kajal Savjani for Respondent No.1.

CORAM: BHARATI DANGRE, J.

DATED : 21st JULY, 2022

P.C:-

1. Heard the learned counsel for the Petitioner and the learned counsel for Respondent No.1.
2. The Petitioner wife is apprehending that the flat in which she is residing shall be attached, since the State Bank of India has issued a notice to the Petitioner and her husband i.e. Respondent No.1 on 12.07.2022 informing that their account has turned into NPA on 02.11.2021, and the notice has been issued under Section 13(2) of the SARFAESI ACT, 2002 on 08.12.2021 and further notice under Section 313(4) has been issued on 22.02.2022.
3. As per the said notice, the balance is reflected as Rs.87,46,148/-.
4. In the wake of the aforesaid notice, the Petitioner

apprehend that if the flat is attached by the bank, she alongwith her son will be literally on the street and she said that she has filed an application before the Magistrate seeking attachment of the salary of her husband. It was informed that the said application is pending.

5. The learned counsel for Respondent No.1 state that he has paid an amount of Rs.3,11,703/- to the bank towards the amount due and payable and he, at present, do not possess any means, by which he will clear the entire loan amount.

6. In any case, I am not inclined to stall the proceedings instituted by the bank under the SARFAESI ACT, 2002 and merely because here the husband and wife are at loggerheads, the bank cannot be deprived of its legal dues or to follow the procedure as prescribed for its recovery.

7. However, an innocuous request made by the learned counsel for the Petitioner, to the effect that let the Magistrate hear the DV Application alongwith the applications which were filed by her, which include the application for attachment of the salary of the husband, expeditiously.

8. It is informed that the proceedings are scheduled before the learned Magistrate on 17.08.2022. It is expected that the learned Magistrate shall give precedence to the said application filed by the wife under the Domestic Violence Act, 2005, in the wake of the exigency expressed that she

will be outraced from the house on its attachment.

9. With these directions, the Petition stands disposed off.

(SMT. BHARATI DANGRE, J.)