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

WRIT PETITION NO. 11256 OF 2022

Mr. Virendra S. Jaiswal

....Petitioner

V/s.

Tata Capital Housing Finance Limited
and Ors.

...Respondents

Mr. Charls D'souza i/b Nishant Sangle for Petitioner.

Mr. Omar Khayan Shaikh i/b Vikas Salvi and Associates for Respondent
No.1.

CORAM : K.R. SHRIRAM &

A.S. DOCTOR, JJ.

DATED : 21st SEPTEMBER 2022

P.C. :

1. After the petition was argued for some time and when it was brought to the notice of Mr. D'souza as how the Writ Petition itself was not maintainable since none of the respondents would fall under the definition of State, Mr. D'souza sought leave of the court to withdraw the petition with liberty to approach the Debt Recovery Tribunal (DRT) under Section 17 of The Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (the SARFAESI Act) after the Magistrate passes order under Section 14 of the SARFAESI Act.

2. We have also perused the impugned order dated 6th July 2022 rejecting petitioner's Intervention Application. We agree with the view expressed by learned Additional Chief Metropolitan Magistrate while rejecting the Intervention Application.

3. Petition disposed as withdrawn with liberty to petitioner to approach the Debt Recovery Tribunal (DRT) under Section 17 of the SARFAESI Act, as and when the order under Section 14 of the SARFAESI Act is passed. All rights and contentions are kept open. Learned Magistrate is requested to dispose Case No.540/SA/2020 filed by Respondent No.1 within four weeks from today.

(A.S. DOCTOR, J.)

(K.R. SHRIRAM, J.)