

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.1449 OF 2022

Kamal Jaswantlal Sheth

... Petitioner

Vs.

CFM Asset Reconstruction Private Limited
& Ors.

... Respondents

Mr. Vipul Shah i/by Mr.L.C. Tolat and Company for Petitioner.

Dr. Abhinav Chandrachud with Mr. Mayank Samuel and Mr. Neelanshu Roy i/by Sirius Legal for Respondent No.1.

Mr. Piyush Raheja i/by Mr. Prasad Apte for Respondent Nos.2 to 5.

**CORAM : K.R. SHRIRAM &
A.S. DOCTOR, JJ.**

DATED : 14th SEPTEMBER 2022

P.C. :

1. Mr. Shah states that in the Application filed by Respondent No.1 before the Chief Metropolitan Magistrate at Esplanade, Mumbai under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 ("SARFAESI Act, 2002"), Respondent No.1 has been economical with truth. Mr. Shah was unable to bring to our notice any false statement made by Respondent No.1 in the Application. Mr. Shah states that Respondent No.1 has not disclosed in the Application under Section 14 the details of all properties mortgaged but has mentioned only few of the properties which belong to

Petitioner. That cannot be a reason for us to interfere in this Petition. We are also informed that Petitioner has already filed an Application under Section 17 of the SARFAESI Act, 2002 before the DRT. Petitioner may pursue that Application.

2. Petition dismissed.

(A.S. DOCTOR, J.)

(K.R. SHRIRAM, J.)

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