

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

905 WRIT PETITION NO.1591 OF 2023

PRASHANT BHAURAO VAIDYA AND ANOTHER
VERSUS
MAHINDRA RURAL HOUSING FINANCE LTD THROUGH ITS
MANAGER

Mr. Dhananjay A. Mane, Advocate for the Petitioners.

CORAM : SHARMILA U. DESHMUKH, J.
DATED : FEBRUARY 09, 2023.

PER COURT :

1. Heard.
2. By this petition, the petitioners challenges the order dated 4th March, 2022, passed in Misc. Application No.73 of 2022 by the learned Chief Judicial Magistrate, Jalna, whereby the possession warrant in respect of mortgage property has been issued. The admitted position is that the petitioners had defaulted in payment of home-loan and the proceedings have been instituted under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, (SARFAESI Act) and under Section 13(4) of the SARFAESI Act, the bank has taken symbolic possession of the secured property on 18th August, 2021.

3. Considering the special statute which has been enacted, the remedy if any, to the petitioners lie under Section 17 of the SARFAESI Act.
4. Writ Petition is totally misconceived and is dismissed.

(SHARMILA U. DESHMUKH, J.)