

JPP

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

WRIT PETITION NO. 1112 OF 2023

Sangeeta Mulay

... Petitioner

V/s.

The Tahsildar and Ors.

... Respondents

Ms. Stuti Oswal i/b. Shirin Merchant for the Petitioner No.1

Ms. Shruti D. Vyas, 'B' Panel Counsel for Respondent No.1

Mr. Abhijeet Joshi for the Respondent No.2 - SBI

***CORAM : NITIN JAMDAR &
ABHAY AHUJA, JJ.***

DATE : 30 JANUARY 2023

P.C. :-

The Petitioner is aggrieved by the action taken by the Tahsildar under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act (SARFAESI), 2002.

2. As against this action the Petitioner has a remedy of approaching the Debts Recovery Tribunal as the definition of 'any person' who can question the action taken by the secured creditor is

wide enough to include the Petitioner. As regards the directions to the Respondent No. 3, the Petitioner's husband is concerned, the same cannot be entertained in the writ jurisdiction. The Petitioner has already moved the Judicial Magistrate, First Class, Pune and it is stated that the said Court has already directed the Respondent No.3 to pay the liability in respect of flat.

3. Keeping all contentions of the parties open, the Writ Petition is disposed of.

ABHAY AHUJA, J.

NITIN JAMDAR, J.

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