

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

WRIT PETITION NO.3727 OF 2022

Anil Atmaram Batra

... Petitioner

V/s.

South Indian Bank

... Respondent

Ms.Hiral Shah i/by Mr. Anant Sakunde, Advocates for the Petitioner.
Mr.Faaser M. Alexander, Advocate for the Respondent.

**CORAM : NITIN JAMDAR AND
ABHAY AHUJA, JJ.
DATE : 22 FEBRUARY 2023.**

P.C.:-

1. The Petitioner has filed this petition seeking various prayers such as stay of the auction sale, restraining the Respondent from mortgaging the property, directing the Respondent to accept the one time settlement.
2. As regards one time settlement is concerned, it is not possible for us to issue a writ of mandamus forcing the bank to accept the same as it is for the bank to consider the settlement.

3. As regards the other prayers are concerned, Petitioner has also already approached the Debt Recovery Tribunal (for short “DRT”). The Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is a complete code, where remedies are available.

4. In the light of this position that Petitioner is already before the DRT, we are not inclined to interfere in writ jurisdiction.

5. Keeping contentions of the parties open, writ petition is disposed of.

(ABHAY AHUJA, J.)

(NITIN JAMDAR, J.)

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PRIYA
RAJESH
SOPARKAR

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