

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

WRIT PETITION NO.5558 OF 2021

Selvakumar Muthuswami Nadar ... Petitioner

V/s.

State Bank of India ... Respondent

Mr.Brijesh Shukla, Advocate for the Petitioner.

None for the Respondent.

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

DATE : 20 FEBRUARY 2023.

P.C.:-

1. The writ petition challenges the order passed by the Debt Recovery Tribunal-III dated 20 April 2016. The petition is filed on 13 March 2021, which is pending. Last time when it came up before the court, none had appeared for the Petitioner. Learned counsel for the Respondent is against the impugned order. The Petitioner has filed an appeal before the Debt Recovery Appellate Tribunal. Since substantive appeal is available and the remedy is already availed of, it is not necessary to interfere in the writ jurisdiction. If the Petitioner's grievance is that if the appeal is not being taken up, it is for the Petitioner to approach the Appellate Tribunal with the said request and

it is for the Appellate Tribunal to consider the same whether it is feasible or not.

2. Writ Petition is accordingly disposed of.

(ABHAY AHUJA, J.)

(NITIN JAMDAR, J.)

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