

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

WRIT PETITION NO. 4935 OF 2023

Amol Jaysinghrao Chavan ... Petitioner
vs.
Prabhavati Jaysinghrao Chavan and Ors. ... Respondents

Mr. Nimish R. Mehta for Petitioner.
None for Respondents.

**CORAM : NITIN JAMDAR AND
ABHAY AHUJA, JJ.
DATE : 10 APRIL 2023**

P.C. :

. The Petitioner claims to be neither a borrower nor a guarantor but having interest in the secured assets. We note that Respondent No. 4 – Bank had issued a notice under Section 13 (4) on 14 March 2017. On 17 January 2019, an order was passed by the District Magistrate under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (“SARFAESI Act”). As regards rights of Petitioner are concerned, they available as per Section 17 of the SARFAESI Act. Petitioner has already approached the Debt Recovery Tribunal.

2. In light of the law laid down by the Hon'ble Supreme Court in a series of decisions including that in the case of *United Bank of India vs Satyawati Tondon & Ors*¹, disapproving interference in writ jurisdiction, we decline to exercise writ jurisdiction. If the date is scheduled for taking possession immediate, as we find no exceptional circumstances as informed by the Petitioner, we have no doubt that the Debt Recovery Tribunal if this is the situation will give priority of hearing to the Petitioner.

3. Writ Petition is accordingly disposed of. All contentions kept open.

(ABHAY AHUJA, J.)

(NITIN JAMDAR, J.)

Digitally
signed by
NIKITA
YOGESH
GADGIL
Date:
2023.04.13
11:23:04
+0530

1 AIR 2020 SC 3413