

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

**WRIT PETITION NO. 8565 OF 2023**

Jyotsna Prashant Khandagale

.. Petitioner

**Versus**

Abhuydaya co-operative Bank Ltd & ors.

.. Respondents

**Mr. S.S.Panchpor a/w Mr. S.S. Natu** , *Advocates for the  
Petitioner.*

**Mr.A.I. Patel a/w Ms. M.S. Bane**, AGP for Respondent  
No. 3/State.  
*Petitioner present in the Court.*

**CORAM : B. P. COLABAWALLA &  
M.M. SATHAYE, JJ.**

**DATE : JULY 11, 2023**

**P. C.**

1. The above Writ Petition challenges the order dated 17/11/2022 passed by the DRT, Pune, in Interim Application No. 1804 of 2022 in Securitisation Application No. 489 of 2022. By the impugned order, the DRT, as a condition precedent for granting a stay from dispossessing the Petitioner, directed the Petitioner to deposit 25% of the amount of the Demand Notice.

**2.** When we pointed out to the learned advocate appearing on behalf of the Petitioner that there is an equally efficacious alternate remedy available by filing an Appeal from this Order to the DRAT under Section 18 of the SARFAESI Act, 2002, the learned Advocate, on instruction, sought leave to withdraw the above Writ Petition with liberty to avail the Appellate remedy.

**3.** In these circumstances, the above Writ Petition is dismissed as withdrawn. The Petitioner is at liberty to avail of the appellate remedy available to him under Section 18 of the SARFAESI Act, 2002.

**4.** This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

**[ M.M. SATHAYE, J.]**

**[ B. P. COLABAWALLA, J.]**