

Amol

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1359 OF 2023
WITH
INTERIM APPLICATION NO. 955 OF 2023
IN
WRIT PETITION NO. 1359 OF 2023

Vijay Kanubhai Limbachia & Ors	...Petitioners
<i>Versus</i>	
Abhyudaya Coop Bank Limited & Ors	...Respondents

Mr Vijay K Limbachia, Petitioner in person, present.
Mr Sachin Kanse, i/b PRS Legal, for Respondent No. 1.

CORAM G.S. Patel &
Neela Gokhale, JJ.
DATED: 26th June 2023

PC:-

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1. It is not possible to grant reliefs to the Petitioner. Essentially, the Petitioner seeks a stay against the enforcement of security by the 1st Respondent, the Abhyudaya Co-operative Bank Ltd, for recovery of amounts claimed to be due from the Petitioner under an undisputed loan agreement. It is not possible to accede to the request that the bank should not take steps in recovery or should not proceed against property offered as security. It is equally not

possible to compel the bank to offer the Petitioner an OTS proposal. The law in all these regards is well settled.

2. The remedies of the Petitioner lie elsewhere. In fact, we are told that the Petitioner has filed an S.A Diary No. 755 of 2022 before the Debt Recovery Tribunal (“**DRT**”), Navi Mumbai. We request the DRT to finally decide that S.A at its earliest convenience and preferably within two months from today.

3. No other orders are possible in this Petition. It is disposed of in these terms with no order as to costs.

4. We clarify that we have not examined the merits of the contentions raised by the Petitioner. The DRT will consider the Petitioner’s SA on merits. All contentions are left open.

5. All Interim Applications are infructuous and are disposed of accordingly.

(Neela Gokhale, J)

(G. S. Patel, J)