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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION***

WRIT PETITION (Lodg.) NO. 1775 OF 2023

Anees Amir Ahmed

... Petitioner

V/s.

Union of India and Ors.

... Respondents

Mr. Premlal Krishanan with Kumari Rehmat Lokhandwala with Allen T. Thomas i/b. PAN India Legal Services LLP for the Petitioner

Mr. Sauresh Shetye i/b. Ravi Goenka for Respondent No.3

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

DATE : 23 JANUARY 2023

P.C. :-

The Petitioner has challenged the order passed by the Debts Recovery Tribunal, Mumbai more than two decades ago on 9 August 2002 and also recovery certificate dated 25 September 2002. Even the possession has been taken on 5 April 2022.

2. In the light thereof, this is clearly not a case where a writ jurisdiction can be entertained. However, we do not wish to

conclude the matter on merits as the Petitioner has a remedy to approach the Debts Recovery Appellate Tribunal, after satisfying the Appellate Tribunal about the delay.

3. The Writ Petition is accordingly disposed of, keeping all contentions, including of delay and latches open.

ABHAY AHUJA, J.

NITIN JAMDAR, J.

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