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

***WRIT PETITION NO. 2840 OF 2022***

Bharati Ghanshyam Patel

... Petitioner

V/s.

Punjab National Bank and Ors.

... Respondents

Ms. Aarti Deodhar i/b. SSB Legal and Advisory for the Petitioner

Mr. O.A. Das i/b. O.A Das & Associates for the Respondent No.1

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

***DATE : 15 FEBRUARY 2023***

**P.C. :-**

The Petitioner has prayed for the following relief :-

*“(a) That This Hon’ble Court be pleased to issue a Writ of Certiorari or any appropriate writ, direction or order quashing the notice u/s. 13(2) of SARFAESI Act dated 20.10.2013 and notice dated 16.11.2021 and 23.02.2022 u/s. 13(4) of SARFAESI Act and any consequential acts thereof.”*

2. According to the Petitioner, the Petitioner is not the original borrower and still is aggrieved by the action taken by the secured creditor. According to the learned Counsel for the Respondents, the original borrower is nothing but the son of the Petitioner and therefore story of the fraud, etc. is an afterthought.

3. Be that as it may, the Petitioner, if aggrieved by the action of the Respondent – secured creditor under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI) Act, 2002, would have a remedy to approach the Debts Recovery Tribunal on her own if the case is so made out. The issue sought to be raised that the Petitioner's signatures were forged in the application filed by the original borrower can be raised in the Debts Recovery Tribunal.

4. It is indeed unfortunate that in spite of the law repeatedly laid down by the Hon'ble Supreme Court regarding the remedy of approaching the Debts Recovery Tribunal and non-exercise of writ jurisdiction, proper legal advises are not given. By way of indulgence, we have not imposed costs.

5. We see no reason to entertain the Writ Petition. Keeping all contentions of the parties open, the Writ Petition is disposed of.

*ABHAY AHUJA, J.*

*NITIN JAMDAR, J.*

JYOTI  
PRAKASH  
PAWAR

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