



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.**

WRIT PETITION NO.4911 OF 2023

Sangita Anand Chaple (before marriage Sangita R. Rajput)

vs.

The State of Maharashtra, through District Magistrate, Buldhana and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Bhushan Dafle, Advocate for petitioner.

Shri A.M.Deshpande, I/c Government Pleader for respondent nos. 1 and 2.

CORAM :- A.S.CHANDURKAR AND MRS. VRUSHALI V. JOSHI, JJ.

DATE :- 4th SEPTEMBER 2023

The challenge raised in the present writ petition is to the order dated 14.07.2023 that has been passed by the Tahsildar, Buldhana in proceedings under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, the SARFAESI Act).

2. According to the petitioner, there being matrimonial dispute between her and the respondent no.5-her husband and there being an order of restraint in the proceedings filed under the Protection of Women from Domestic Violence Act, 2005, it is not open for the Tahsildar to oust the petitioner from the residential home which is the subject matter of mortgage at the behest of the respondent no.5.

3. We find that the remedy of approaching the Debts Recovery Tribunal under Section 17 of the SARFAESI Act is available to the petitioner. Keeping all points raised in the writ petition open, the same is disposed of with aforesaid liberty. No costs.

(MRS. VRUSHALI V. JOSHI, J.)

(A.S.CHANDURKAR, J.)

Andurkar.