

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2117 OF 2024

SHRADDHA
KAMLESH
TALEKAR

1. Rushikesh Balasaheb Chaudhari
& Anr.

.. Petitioners

Versus

1. Balasaheb Dagdu Chaudhari
& 5 Ors.

...Respondents

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SHRADDHA KAMLESH
TALEKAR
Date: 2024.02.15
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Mr.Rohan Dilip Kaiche, *Advocate for Petitioners.*

Mr.R.S. Pawar, *AGP for Respondent No.6-State.*

**CORAM : B.P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.**

DATE : FEBRUARY 14, 2024.

PC:

1. The above Writ Petition is filed seeking to challenge the impugned order dated 25th November 2022 passed by the Chief Judicial Magistrate, Nashik, under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 ('SARFAESI Act').

2. After we heard the above Writ Petition for some time and pointed out to the learned counsel appearing on behalf of the Petitioners that an equally efficacious alternate remedy is available to him under Section 17 of the SARFAESI Act, he sought leave to withdraw the above Writ Petition with liberty to approach the Debt Recovery Tribunal. In these circumstances, the above Writ Petition is dismissed as withdrawn with liberty as prayed.

3. We make it clear that we have not opined on the merits of the matter, which shall be decided by the Debt Recovery Tribunal, if approached by the Petitioners under Section 17 of the SARFAESI Act.

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.

[SOMASEKHAR SUNDARESAN, J.]

[B.P. COLABAWALLA, J.]