

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.9609 OF 2024

Priyen Ravindra Khona	.. Petitioner
Vs.	
Dena Bank (Now Bank of Baroda) and Ors.	.. Respondents

Mr. Rishabh Shah, Advocate, i/by Raval Shah & Co., for the Petitioner.
Ms. Savita Nangare, Advocate, i/by Law Focus, for Respondent No.1.
Mr. S.P. Kamble, Assistant Government Pleader for the Respondent-State of Maharashtra.

**CORAM : A.S. CHANDURKAR &
RAJESH S. PATIL, JJ**

DATE : 15TH JULY, 2024.

PC. :

1. One of the contentions raised by the learned counsel for the petitioner is that the essential documents that are required to be filed in support of an application under Section 14(1) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, (*for short, "Act of 2002"*), were not filed by the 1st respondent before the learned Magistrate. Hence, an objection was raised by the petitioner pointing out the lack of necessary documents.

2. After considering the reply filed by the 1st respondent, the learned Magistrate rejected the said application. The learned counsel for the petitioner submits that the petitioner is not seeking adjudication of his rights but is questioning the rejection of his application that was filed in the proceedings under Section 14 of the Act of 2002. That exercise is permissible to be undertaken by the learned Magistrate.

3. In this regard, the learned counsel for the 1st respondent seeks to rely upon a decision of the Supreme Court in *Balkrishna Rama Tarle (Dead), through legal representatives, and Anr. Vs. Phoenix ARC Pvt. Ltd. and Ors., 2023 (1) SCC 662*. In addition, he seeks two weeks time to file affidavit-in-reply. Time granted.
4. Stand over to 23rd July 2024.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]