

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

**SNEHA
ABHAY
DIXIT**

Digitally signed
by SNEHA
ABHAY DIXIT
Date: 2024.07.29
19:20:58 +0530

WRIT PETITION NO.10537 OF 2024

Kunal Popat Gosavi	.. Petitioner
Vs.	
Authorized Officer, Bank of Maharashtra, Malegaon, Nashik and Ors.	.. Respondents

Mr. Jayendra D. Khairnar with Mr. Mufeez Ansari, Advocates for the Petitioner.

Mr. S.P. Kamble, Assistant Government Pleader for the Respondent-State of Maharashtra.

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

DATE : 29TH JULY, 2024.

PC. :

1. The petitioner seeks to raise a challenge to a notice dated 5th July 2024 that has been issued by the Authorized Officer intimating the respondent nos.2 to 4 that the creditor intends to take possession of the subject property. It is the case of the petitioner that his father had entered into an agreement with the vendor of the aforesaid property on 6th July 2017 proposing to purchase the same. Since the Sale Deed was not executed, Special Civil Suit No.334 of 2022 came to be filed, which is pending. In the meanwhile, the respondent nos.2 to 4 obtained finance from the respondent no.1, which has thereafter resulted in an order under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 dated 15th June 2023.

2. In the aforesaid facts, the petitioner's father approached the Debts Recovery Tribunal by filing a securitization application, which however came to be dismissed for failure to remove the objections on 21st May 2024.

3. It is seen that the petitioner or his father does not hold title to the subject property and their suit for specific performance is pending. The proceedings before the Debts Recovery Tribunal can be got restored. In this backdrop, we are not inclined to exercise discretionary jurisdiction. Keeping all the issues open including the option of moving the Debts Recovery Tribunal for challenging the possession notice, the writ petition is disposed of as not entertained.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]