HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Civil Writ Petition No. 19759/2023

1. M/s V.s. Bhandari Cold House Private Limited, Through Its Director Virendra Bhandari, Having Its Registered Office At 392, Master Colony, Ambata, Udaipur, At Present 172-173, M.i.a. No. 3, Udaipur, District Udaipur (Raj.).
2. Virendra Bhandari S/o Late Shri D.s. Bhandari, Aged About 62 Years, Resident Of 392, Master Colony, Ambamata, Udaipur, District Udaipur, At Present 172-173, M.i.a. No. 3, Udaipur, District Udaipur (Raj.).

----Petitioners

Versus

1. Canara Bank, Corporate Office At 112, Jc Road, Bengaluru (Karnataka), Branch Office At 1, Bapu Bazar, Udaipur.
2. Surendra Bhandari S/o Late Shri D.s. Bhandari, Resident Of 207/c-12, Sardarpura, Udaipur And 217, Sardarpura, Udaipur, District Udaipur.
3. Smt. Seema Bhandari W/o Surendhar Bhandari, Resident Of 207/c-12, Sardarpura, Udaipur And 217, Sardarpura, Udaipur, District Udaipur.

----Respondents

For Petitioner(s)	:	Ms. Tuli Taniya Raman Ekta
For Respondent(s)	:	Mr. Yatin Sachdeva for Dr. Mohit Singhvi

HON'BLE DR. JUSTICE NUPUR BHATI

Order

30/01/2024

1. Learned counsel for the respondents submit that in light of the judgment passed by the Hon’ble Apex Court in the case of M/s. South Indian Bank Ltd. & Ors. Vs. Naveen Mathew Philip & Anr. Etc. reported in (2023) SCC Online SC 435, the present writ petition is not maintainable before this Court as the petitioner has

an alternative statutory remedy available before the Debts Recovery Tribunal under the SARFAESI Act, 2002.

2. Learned counsel for the petitioner is not in a position to refute the same.

3. In view of the above, the writ petition is dismissed as withdrawn while granting the petitioner liberty to avail the appropriate remedy before the appropriate forum.

(DR. NUPUR BHATI),J

257-amit/-