



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

933 WRIT PETITION NO. 8297 OF 2016

Shantaram Laxman Surwade

VERSUS

Asset Reconstruction Co Ltd Mumbai And Others

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Mr. V.B. Garud, Advocate for petitioner

Mr. Y.B. Bolkar, Advocate for respondent No. 1

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CORAM : MANJUSHA DESHPANDE, J.

DATE : 28th FEBRUARY, 2025

ORDER :

1. Petitioner is challenging the common order dated 29.02.2016 passed by Civil Judge, Junior Division, Jamner below Exhibits-22 and 39.

2. While passing the order, application was rejected by Civil Judge, Junior Division, Jamner holding that if the plaintiff has any grievance against the proceedings initiated by the defendant No. 1 and then he has an opportunity to appear before DRT under section 17 of Secularization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. Under the SARFESI Act, there is bar for the jurisdiction of Civil Court. Therefore, plaintiff has efficacious remedy for redressal of

grievance.

3. Learned advocate for the petitioner places on record a copy of communication issued by respondent No. 1 dated 05.01.2022, which is marked as 'X' for identification. By the said communication, an offer was made to the borrower to deposit Rs. 5,00,000/- towards full and final settlement of loan and accordingly he has deposited the amount on 07.01.2022. Counter slips of the deposits made by borrower are annexed with the said communication along with payment receipt issued by respondent No. 1. According to the learned advocate for the petitioner, in view of settlement between borrower and respondent No. 1, nothing survives in the writ petition.

4. In view of the same, writ petition is disposed of.

(MANJUSHA DESHPANDE, J.)