

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7992 OF 2025

Sumit S. Kothavale.

...Petitioner.

Versus

The State of Maharashtra and Others.

...Respondents.

Ms. T. J. Kapre, AGP for the Respondent-State.

**Coram : M. S. Karnik &
Sharmila U. Deshmukh, JJ.**

Date : September 4, 2025.

P. C. :

1. None for the Petitioner.
2. Petitioner has challenged the order dated 21st August 2024 passed by the Chief Judicial Magistrate, Kolhapur in Criminal Miscellaneous Application No.642 of 2024 thereby allowing the applications filed by the Respondent No.2-Bank invoking the provisions of Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 to take steps for taking possession of Petitioner's property. Further relief sought is the declaration that action for recovery of the loan amount initiated by the Respondent No.2-Bank as per the provisions of SARFAESI Act, 2002 against the Petitioner is illegal and arbitrary.

3. In our view, the remedy of Petitioner lies in approaching the Forum provided under the SARFAESI Act, 2002. Keeping all contentions open with liberty to the Petitioner to approach the competent forum under the SARFAESI Act, 2002, petition is disposed of.

[Sharmila U. Deshmukh, J.]

[M. S. Karnik, J.]