

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

WRIT PETITION NO. 13095 OF 2025

Sambhaji Balkrishna Sawant

... Petitioner

V/s.

UCO Bank and Ors.

... Respondents

Mr. Mandar Soman with Mr. Nilesh N. Mule i/b. Vivek V. Phadke for the
Petitioner

Mr. Rajkumar Shukla for Respondent No.1 – UCO Bank

**CORAM : R.I. CHAGLA AND
FARHAN P. DUBASH, JJ.**

DATE : 7TH OCTOBER 2025

P.C. :

1. The Petitioner is seeking to restrain Respondent No.1, its officers, servants, agents, assigns, successors, executants and/or any person from taking any steps in respect of Flat No.702, Saikripa CHSL, M.G. Cross Road No.4, Opp. Patel Nagar, Kandivali (West), Mumbai – 400 67.

2. The Petitioner has already availed of the alternate remedy under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI) Act, 2002 and Misc. Appeal (D) No. 1383 of 2024 is filed before the Debt Recovery Tribunal (DRT). The reason for moving this Court to exercise its writ jurisdiction under Article 226 of the Constitution of India is that the Misc. Appeal filed by the Petitioner for

impugning the interim order passed by the DRT is not being entertained due to technical issues such as lack of online filing, non-removal of office objections and non-availability of the Chairperson of the Debt Recovery Appellate Tribunal (**DRAT**). Upon a query put by this Court to Mr. Soman, learned Counsel for the Petitioner as to whether the DRAT is available for hearing of the Misc. Appeal, he has stated that the Misc. Appeal had been mentioned before the DRAT, but circulation has been refused citing the aforementioned reasons of non-removal of office objections.

3. We are not inclined to entertain the Writ Petition, since the Petitioner is seeking to restrain the Respondent – Bank from enforcing its security interest under the Recovery of Debts and Bankruptcy (RDB) Act, 1993 by taking possession of the secured assets which has been scheduled today at 11.30 a.m. vide the possession notice having been issued on 17th September 2025.

4. Accordingly, the present Writ Petition is dismissed. There shall be no order as to costs.

(FARHAN P. DUBASH, J.)

(R.I. CHAGLA J.)

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