

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 916 OF 2026**

Jameel Ahmad Ismail Patel

....Petitioner

Vs.

Ayesha Ibrahim Patel And Ors

....Respondent

...

Adv. Kiran Shirguppe, Advocate for Petitioner

Mr. A. P. Vanarase, AGP for the State

...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 5th MARCH 2026.

P.C.

1. Learned counsel for the petitioner submits that petitioner is the owner on the strength of Hibinama. As such, the suit is presented raising an exception to the recovery proceedings initiated by the bank. Learned counsel while placing reliance on Hibinama. At no point of time, corresponding entry is effected in the public record to initiate the fact that the petitioner is owner of the property which is put to auction.

2. Learned 3rd Civil Judge Junior Division, Ichalkaranji, while dealing with the application below Exhibit 30, has dealt in detail and has arrived at proper finding that the remedy for the petitioner is available by approaching Debt Recovery Tribunal under Section 17 of The Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest, Act, 2002.

3. In view of the availability of Forum, In my considered opinion, no error is committed by the Court. Resultantly, the petition does not warrant any consideration. As such, the same stands dismissed.

(SACHIN S. DESHMUKH, J.)

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