

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 993 OF 2026

Jagannath Auto Services and Ors .. Petitioners

V/s.

Bank of Maharashtra Thr Authorized .. Respondents
Officer and Anr-----
Ms. Rekha Musale, a/w Ms. Nasim Khan, for the Petitioners.

Mr. Aniket Malu (Through VC), for Respondent No. 1- Bank of Maharashtra.

Ms. A. A. Purav, AGP for Respondent No. 2- State.

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**CORAM : MANISH PITALE &
SHREERAM V. SHIRSAT, JJ.****DATE : 22ND JANUARY 2026.****PC:**

1. Heard learned counsel for the petitioners, learned counsel for Respondent No. 1- Bank and the learned AGP for Respondent No. 2.

2. By the present writ petition, the petitioners have challenged order dated 19th October, 2024, passed by the Chief Judicial Magistrate, Thane, under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

3. During the course of arguments, learned counsel appearing for Respondent No. 1- bank submitted that admittedly the petitioners have already invoked the jurisdiction of the Debts Recovery Tribunal (DRT) Pune by filing Securitization Application No. 125 of 2025, challenging

the proceedings under Sections 13(2) and (4) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. In the said application, they have also claimed that the order impugned herein passed by the Chief Judicial Magistrate, Thane, is not sustainable.

4. When a specific query was put to the learned counsel for the petitioner as to whether this fact has been disclosed in the present writ petition, reference was made to Paragraph 22 of the writ petition. Perusal of the same shows that reference is made cursorily in the said paragraph in the following manner:

“The Petitioner Nos. 1 to 3 filed the Securitization Application before the learned DRT, Pune, challenging the notice under Section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.”

5. We find that when the petitioners are already before the DRT raising grievance with regard to the action taken by the Respondent No. 1- bank under Section 13 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, wherein they are also claiming that the Chief Judicial Magistrate, Thane, could not have passed the impugned order under Section 14 of the said Act, they ought not to have knocked to the doors of this writ Court claiming relief as against the very same order dated 19th October, 2024 passed by the Chief Judicial Magistrate, Thane, under Section 14 of the said Act. The petitioners cannot be permitted to ride two horses at the same time.

6. In view of the above and on this short ground, the writ petition is dismissed. The petitioners are at liberty to pursue their pending Securitization Application No. 125 of 2025 before the DRT, Pune, in accordance with law. Pending applications, if any, also stand disposed of.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)