

HIGH COURT OF JUDICATURE FOR RAJASTHAN BENCH  
AT JAIPUR.S.B.

Civil Writ Petition No. 18108/20191.

Ravinder Pratap Singh Son Of Shri Benkat Ramana PratapSingh,  
By Caste Rajput, Resident Of Plot No 8, ShivShakti Nagar-A,  
Jagatpura Road, Malviya Nagar, Jaipur2. Mamta Devi Wife Of  
Late Shri Tej Pratap Singh, By CasteRajput, Resident Of Plot No  
8, Shiv Shakti Nagar-A,Jagatpura Road, Malviya Nagar, Jaipur3.  
Benkat Raman Pratap Singh Son Of Late Shri Brij Bahadur Singh,  
By Caste Rajput, Resident Of Plot No 8, ShivShakti Nagar-A,  
Jagatpura Road, Malviya Nagar, Jaipur----

PetitionersVersus1. Kotak Mahindra Bank, Through Authorized  
Officer HavingOffice First Floor 232-233, Sdc Tower, Near  
Amrapali Circle, Hanuman Nagar, Vaishali Circle, Jaipur2. Kotak  
Mahindra Bank, Through Authorized Officer Having Registered  
Office 39-38A, Nariman Point Mumbai3. City Financial Consumer  
Finance India Limited, ThroughManager (FORmer Associated  
India Financial ServicesLimited, 3 Local Shopping Complex,  
Pushp Vihar, NewDelhi----RespondentsFor Petitioner(s) :

Mr.Pawan Kumar Sharma For Respondent(s): HON'BLE MR.  
JUSTICE ASHOK KUMAR GAUROOrder11/11/2019The instant  
writ petition has been filed by the petitionerschallenging the order  
dated 24<sup>th</sup> July, 2019 passed under Section14 of the  
Securitisation & Reconstruction of Financial Assetsand  
Enforcement of Security Interest Act, 2002 (for short“the  
SARFAESI Act”).

Learned counsel for the petitioners submitted that even the  
caveat, which was filed before taking action under Section 14 of  
the SARFAESI Act, has not been considered and no right of  
hearing was afforded before passing the impugned order.  
Learned counsel further submitted that the petitioners are  
guarantors against the loan taken by one Shri Tej Prakash Singh.  
Learned counsel submitted that amount was paid from time to  
time and without any reason, the respondent Bank had declared  
the account as Non Performance Account (NPA) and inspite of

huge payment, being made, the respondent Bank is determined to take action against mortgaged property by taking possession. This Court is afraid to interfere in the order passed under Section 14 of the SARFAESI Act. This Court, in the case of Pradeep Kumar Vs. State of Rajasthan (2019(2) WLC (Raj.) 421), has already taken a view that if a person has grievance against any order, which is passed under Section 14 of SARFAESI Act, he has appropriate remedy provided under the SARFAESI Act. Learned counsel for the petitioner, at this juncture, submitted that at least liberty may be granted to the petitioners to approach the appropriate Forum for redressal of their grievances. This Court finds that petitioners are always at liberty to avail the statutory remedy provided under the law. In view of the aforesaid, the present writ petition is not maintainable before this Court and accordingly, the same is dismissed.  
(ASHOK KUMAR GAUR),J