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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

941 WRIT PETITION NO. 13230 OF 2025

Govind Sambhaji Kamble And Another
VERSUS
Aadhar Housing Finance Ltd.
Through Its Authorized Officer And Others

.....

Mr. S.M. Kamble, Advocate for the Petitioners
Mr. Jagdish Bansod, Advocate (through online) a/w G.R. Syed,
Advocate for Respondent No.1

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CORAM : SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAVKAR, JJ.

DATE : 07 NOVEMBER, 2025

PER COURT :-

1. The present petition is filed for following reliefs:
 - “A. *Issue a writ of certiorari or any other appropriate writ, order, or direction under Articles 226/227 of the Constitution India, quashing and setting aside the order dated 19.08.2025 passed by the Learned Chief Judicial Magistrate, Beed, in Criminal M.A. No.621 of 2025;*
 - B. *Quash and set aside the consequential possession notices dated 28.08.2025 and 15.10.2025 issued by the Court Commissioner, Beed.”*
2. Heard the learned Advocate for the petitioners.
3. From the documents on record, it can be seen that the application bearing Cri. M.A. No. 621 of 2025 was allowed by the learned Chief Judicial Magistrate, Beed, on 19.08.2025, and the

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applicant, i.e., the respondent/Bank herein, was permitted to take possession of the property, whereby a Court Commissioner was appointed for execution of the said order. The petitioner thereafter approached the Debts Recovery Tribunal, Aurangabad. Consequently, the learned Presiding Officer, Debts Recovery Tribunal, Aurangabad, passed an order dated 12.09.2025, directing the present respondent/Bank to defer taking possession of the secured asset, subject to the deposit of an amount of Rs. 3,00,000/-. Upon inquiry, it is stated that the said amount has been deposited. However, again, the Court Commissioner issued a notice dated 15.10.2025 for taking possession on the basis of the same order dated 19.08.2025. The present petitioners have again approached the Presiding Officer for deferring the act of taking possession of the secured asset.

4. Here, it is to be noted that the petitioners themselves have already approached the Debts Recovery Tribunal. The prayer clause does not indicate any challenge to the orders passed by the Debts Recovery Tribunal, and therefore, there is, in fact, no question of exercising powers under Article 226 or Article 227 of the Constitution of India. The matters are pending before the Debts Recovery Tribunal, Aurangabad. The learned Advocate for the petitioners now contends that there is a jurisdictional error. We are not satisfied with the said

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submission, as the petitioners themselves have approached the Debts Recovery Tribunal and cannot now raise this contention. The taking of possession is scheduled for 08.11.2025. We are not inclined to grant any relief to the petitioners. However, since the petitioners intend to approach the Debts Recovery Appellate Tribunal, and therefore, to give a chance for a limited period, we direct the respondent/financial institution to defer taking possession of the secured asset, which is scheduled on 08.11.2025, till 14.11.2025.

5. The writ petition stands dismissed.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

S P Rane