

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

WRIT PETITION NO.3696 OF 2025

Chandrakant Waman Parab and Ors. .. Petitioners
Vs.
The Shri Mahalakshmi Co-op. Bank Ltd. and Ors. .. Respondents

Mr. Abhijit Tambe, Advocate for the Petitioners.

Mr. Drupad Patil, Advocate for Respondent No.1.

Mr. Sanjiv Punalekar, i/by Ms. Jyoti Ghorpade, Advocates for Respondent Nos.2 and 3.

**CORAM : A.S. CHANDURKAR &
M.M. SATHAYE, JJ**

DATE : 12TH MARCH 2025.

PC. :

1. The challenge raised in this writ petition is to the order dated 19th February 2025 passed by the Debts Recovery Tribunal, Pune in Interim Application No.3173/2024 in Securitisation Application No.38/2025. Since remedy of approaching the Debts Recovery Appellate Tribunal is available, we are not inclined to entertain the writ petition.

2. The learned counsel for the petitioners submits that on 25th February 2025, the Authorized Officer has issued a notice stating therein that possession of the secured asset would be taken today. He, therefore seeks grant of some protection to enable the petitioners to approach the Debts Recovery Appellate Tribunal.

. The learned counsel appearing for respondent no.1, on instructions, submits that since the present writ petition is pending, the notice dated 25th February 2025 has been put on hold by the Police Authorities.

3. In the light of the aforesaid and with a view to grant some time to the petitioners who claim to be bonafide flat purchasers, the following directions are issued :-

- (i) The date for taking possession in the notice dated 25th February 2025 is now rescheduled to 26th March 2025.
- (ii) It would be open for the petitioners to approach the Debts Recovery Appellate Tribunal in the meanwhile.
- (iii) It is made clear that if no interim orders are passed, the notice dated 25th February 2025 indicating that possession would be taken on 26th March 2025 shall be executed. It is made clear that the respondent no.1 would not be required to issue any fresh notice.
- (iv) In case the respondent no.1 seeks police protection, by paying necessary charges, it is permitted to do so.

4. By keeping all points on merits open, the writ petition is disposed of.
No costs.

[M.M. SATHAYE, J.]

[A.S. CHANDURKAR, J.]