IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11187 OF 2025

Hanmant Kallappa Mali … Petitioner

Versus

Bank of Baroda & Anr. … Respondents

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Mr. Nagesh Y. Chavan a/w Ms. Ankita Chindage for the petitioner.
Mr. Rakesh Singh (through VC) a/w Mr. Sunil Bhosale for the respondent no.1 – bank

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Coram : M. S. Karnik &
Sharmila U. Deshmukh, JJ.

Date : September 24, 2025.

P. C. :

1. Not on board. Upon mentioning, taken on board.

2. Heard learned counsel for the petitioner.

3. The petitioner seeks writ of mandamus for quashing and setting aside the impugned possession notice dated 26.08.2025 pursuant to the order passed by the Chief Judicial Magistrate under the provision of Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "SARFAESI Act").

4. The remedy of the petitioner as contended by the learned counsel Mr. Singh, for the respondent – Bank lies before the appropriate forum under the SERFASI Act.

5. Only by way of indulgence and in view of the order dated 12th September 2025, though there was reluctance on the part of Mr. Singh, in the interest of justice, as the petitioner agreed to deposit an amount of Rs.30 lakhs within the stipulated period, that limited protection was granted. Learned counsel for the petitioner submits that he has deposited an amount of Rs.5 lakhs with the respondent - bank yesterday i.e. on 23rd September 2025.

6. The petition can be disposed of by granting liberty to the petitioner to approach the Debt Recovery Tribunal (DRT) by making appropriate application for relief as the petitioner has indicated his willingness to deposit the amount of Rs.25 lakhs within such time, as may be given by the DRT. It is for the DRT to consider such application on its own merits. DRT not to be influenced by our observations.

7. Mr. Singh submitted that this amount of Rs.25 lakhs is disputed by the respondent – bank as the petitioner cannot base his claim on the OTS, after the period of OTS has already expired in June 2025, during which time the petitioner did not honour the terms of the OTS. These are the matters which are to be considered by the DRT as and when the application will be made. We make no observations. All contentions are kept open.

8. Considering that the secured asset is a dwelling unit where the petitioner resides, limited protection is granted to the petitioner for a period of 4 weeks to enable him to approach the DRT for making appropriate application. It is open for the petitioner to approach the respondent – bank with a fresh proposal. We have no doubt that the respondent – bank will consider the proposal sympathetically in accordance with the policy underlying the OTS. The amount, which is already deposited towards the outstanding shall obviously be taken into consideration while considering the proposal of OTS by the respondent – bank, if so requested by the petitioner.

9. The Writ Petition is disposed of in the above terms. No costs.

[Sharmila U. Deshmukh, J.] **[M. S. Karnik]**