IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO. 11315 OF 2025**

Sou. Savita Vaibhav Kupate & Ors. … Petitioners

***Versus***

AU Small Finance Bank Ltd. & Ors. … Respondents

*Mr. Soham Pawar i/b. Mr. Anand S. Patil for the Petitioners.*
*Ms. Bhargavi D. Patil for Respondent Nos.1 to 3-Bank.*
*Mr. V.M. Mali, A.G.P. for the Respondent No.4-State.*

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

**Date : 22nd September 2025.**

**P. C. :**

**1.** Heard learned counsel for the respective parties.

**2.** We are not inclined to entertain the present Petition, as the remedy of the Petitioners is to approach the Forum provided under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (the SARFAESI Act). The Petitioners are seeking a direction to apply the OTS Scheme in respect of the outstanding amount due towards the loan taken by the Petitioners. The Petitioners have further prayed that the Respondent-Bank should provide loan account statement of the Petitioners so that they can repay the legal dues of the loan.

**3.** Learned counsel for the Respondent-Bank on instructions submitted that the Bank had indicated that the outstanding amount is Rs. 24,00,000/-. That, if the Petitioner pays a sum of Rs. 10,00,000/- by the end of this month and the balance amount Rs. 14,00,000/- within the next four weeks, the Finance Company would not insist on taking possession of the secured assets, which is a dwelling unit.

**4.** Learned counsel for the Petitioners on instructions stated that though he undertakes to pay a sum of Rs. 10,00,000/- by the end of this month, but regarding the balance amount which according to him is unreasonable and not justified, he would like to approach the Debt Recovery Tribunal (D.R.T.). We do not appreciate this stand of the Petitioners.

**5.** Learned counsel for the Petitioners pleaded that since the secured asset is a dwelling unit, the Petitioners would still pay a sum of Rs.10,00,000/- by the end of this month. Subject to the Petitioners paying a sum of Rs. 10,00,000/- by 30th September 2025, the Petitioners not to be dispossessed till 30th September 2025. It is open for the

Petitioners to approach the D.R.T., if they have grievances against the Respondent-Bank. The Respondent-Bank may take steps to recover possession after 30th September 2025.

**6.** Petition is disposed off in above terms.

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

OMKAR SHIVAHAR KUMBHAKARN

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