IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12477 OF 2025

Ghansham Vitthal Jondhale …Petitioner

Versus

Indian Bank & Ors. …Respondents

Mr. Avinash Fatangare with Ms. Archana Shelar for the Petitioner.

Mr. Naushad Engineer, Senior Advocate, Mr Yohaann Limathwalla, Mr. V.N. Ajikumar & Mr. Rohit Kadam i/b. VNA Legal for the Respondent No.1 – Indian Bank.

WITH

WRIT PETITION NO.13514 OF 2025

WITH

INTERIM APPLICATION NO.38660 OF 2025

M/s. Kanchan Motors HUF Through Nishant Prakashchandra Bhutada & Ors. …Petitioners

Versus

Indian Bank & Ors. …Respondents

Mr. Mayank Bagla i/b. Jainish Jain for the Petitioners.

Mr. Naushad Engineer, Senior Advocate, Mr Yohaann Limathwalla, Mr. V.N. Ajikumar & Mr. Rohit Kadam i/b. VNA Legal for the Respondent No.1 – Indian Bank.

CORAM : R.I. CHAGLA AND
FARHAN P. DUBASH, JJ.
DATE : 24TH DECEMBER, 2025.

JITENDRA SHANKAR NIJASURE
Digitally signed by JITENDRA SHANKAR NIJASURE
Date: 2025.12.24 20:32:23 +0530

ORDER :

1. The Writ Petitions have been filed by the respective Petitioners essentially challenging the Order dated 29th August, 2025 passed by the learned Debts Recovery Appellate Tribunal, Chennai.

2. The principal grievance of the Petitioners in Civil Writ Petition No.13514 of 2025 is that the learned Debts Recovery Appellate Tribunal, Chennai did not grant them an accommodation and they were not in a position to present their case. Without prejudice to the rights and contentions of the Respondent - Indian Bank, they have submitted that it would be in the interest of justice if the following Securitization Applications are heard and finally disposed of, thereby obviating any hearing of Misc. Appeal No.219 of 2024 pending before learned Debts Recovery Appellate Tribunal, Chennai.

3. Accordingly, the learned DRT, Mumbai is directed to hear and decide, within a period of eight weeks of the date of the present

order, the following Securitization Applications:

(i) Securitization Application No. 397 of 2024 filed by the Petitioners in Civil Writ Petition No.13514 of 2025.

(ii) Securitization Application No 426 of 2024 filed by the Petitioner in Civil Writ Petition No.12477 of 2025.

4. We make it abundantly clear that the parties shall cooperate and shall not take any unnecessary adjournments, thereby enabling the learned DRT, Mumbai to decide the aforesaid Securitization Applications within the time period mandated by this Court. It is further clarified that the parties shall complete their pleadings if any, within two weeks from the date of production of order before the learned DRT, Mumbai. Until the aforesaid Securitization Applications are finally decided, Respondent - Indian Bank has made a statement that they will not act in furtherance of the Order dated 29th August 2025 of the DRAT and / or proceed to take physical possession of the secured asset. This arrangement

expedites the hearing of pending Securitization Applications, considering that the Order under Section 14 of the SARFAESI Act, 2002 has been passed on 5th January, 2024.

5. The arrangement between the parties would result in Misc. Appeal No.219 of 2024 filed by Respondent - Indian Bank being infructuous, and Respondent - Indian Bank shall make an application to withdraw the same within a period of two weeks from today.

6. The Writ Petitions stand disposed off, and any interim / ad-interim reliefs so granted, shall stand vacated. The Interim Application No.38660 of 2025 filed in Writ Petition No.13514 of 2025 does not survive and is disposed of. There shall be no order as to costs.

7. All rights and contentions of the parties are kept expressly open.

8. Notice of this Order shall be served by the Advocate for

the Petitioner on the concerned Tahasildar who has issued the notice of possession.

9. All the parties to act on the authenticated copy of this Order duly digitally signed by the Private Secretary / Personal Assistant of this Court.

[FARHAN P. DUBASH, J.] [R.I. CHAGLA J.]

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