

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

**WRIT PETITION NO. 413 OF 2025
WITH
INTERIM APPLICATION NO. 8521 OF 2025
IN
WRIT PETITION NO. 413 OF 2025**

Savitha Dinesh Shetty & Ors. ... Petitioners
Versus
The State of Maharashtra & Ors. ... Respondents

Mr. Aditya Mehta i/by Rajiv Deokar for the Petitioners.
Ms. Kavita N. Solunke, AGP for Respondent Nos.1 to 3.
Mr. B. V. Samant for Respondent Nos.4 and 5.

**CORAM: MANISH PITALE, J.
DATE : 10th JUNE 2025**

P.C. :

. This petition is mentioned in the light of the fact that the respondent No.5-Credit Society is to take possession of the residential flat in which the petitioners are residing, on the strength of a recovery certificate issued against the petitioners.

2. According to the respondent No.5, as on today, an amount of about Rs.2.27 crores is due from the petitioners.

3. The learned counsel for the petitioner submits that the recovery certificate issued by the respondent No.3 was on the basis of a proceeding in which the petitioners were not put to notice. This is disputed by the respondent No.5-Credit Society. It is further stated that the petitioners intend to repay the amount and

in that process, they had paid an amount of about Rs.25 lakhs to the respondent No.5-Credit Society. But, thereafter, the said respondent refused to accept further payments when the attachment order was issued. It is submitted that since the flat in question is the residential flat in which the petitioners are residing, this Court may consider granting urgent ad-interim reliefs. It is indicated that the petitioners would make all efforts to ensure that at least an amount of Rs.10 lakhs is deposited with the respondent No.5-Credit Society within one week from today, to show the bonafide of the petitioners.

4. Considering the fact that the aforesaid flat is the residential house of the petitioners, this Court is inclined to show indulgence to the petitioners, subject to abiding by their aforesaid offer of paying/depositing an amount of Rs.10 lakhs to the respondent No.5-Credit Society, upfront within a week from today.

5. This is without prejudice to the rights and contentions of the rival parties.

6. In view of the above, list this petition, along with interim application, for further consideration on 18th June 2025, at the top of the cause list.

7. In the meanwhile, the petitioners shall pay/deposit an amount of Rs.10 lakhs with the respondent No.5-Credit Society within one week i.e. on or before 17th June 2025.

8. Subject to compliance with the aforesaid direction, coercive steps in pursuance of the order of attachment shall not be taken till the next date of listing.

9. It is made clear that if the petitioners fail to comply with the aforesaid direction of this Court, appropriate directions may be issued, including a direction to hand over the possession of the said flat to the respondent No.5-Credit Society.

MANISH PITALE, J.