

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 4330 OF 2024**

IIFL Home Finance Limited

.... Petitioner.

V/s

The Registrar, Debts Recovery  
Tribunal-I, Mumbai & Others

..... Respondents.

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Ms. Priyanka Fadia i/b Shashank Fadia, Advocates for the petitioner.

Mr. NC. Walimbe, Additional Government Pleader a/w Mr. S.L. Babar,  
Assistant Government Pleader for the respondent-State.

Ms. Vaishali Bhileure a/w Ms Kadambari Patil, Ms. Sunita Gupta,  
Advocates for respondent no.9.

**AND  
ORDINARY ORIGINAL CIVIL JURISDICTION  
WRIT PETITION (L) NO.23182 OF 2024**

Sunita Ajay Gupta

..... Petitioner.

V/s

Senior Inspector of Police  
Kandivli Police Station,  
Kandivli (West), Mumbai & Others

..... Respondents.

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Ms. Vaishali Bhilare with Ms. Kadambari Patil and Ms. Sunita Gupta,  
Advocates for the petitioner.

Mr. Milind More, Additional Government Pleader for the State –  
respondent no.1.

Ms. Priyanka Fadia i/b Mr. Shashank Fadia, Advocates for respondent  
no.2.

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

**DATE : 21<sup>ST</sup> JANUARY, 2025**

**PC. :**

1] Leave granted to convert Writ Petition No.4330 of 2024 as the one  
filed on the Original Side of this Court. Steps be taken immediately.

2] Writ Petition No.4330 of 2024 has been filed by the creditor with a prayer that borrowers respondent nos. 2 to 8 be directed to remove their articles lying in the subject property and a direction be issued to respondent no.10 – Police Station Officer, Kandivali (West), Mumbai - 400067 to render assistance for receiving vacant possession of the subject property. Writ Petition (L) No.23182-2024 has been filed by the auction purchaser who has purchased the very same property. It is prayed that vacant possession of the aforesaid property be delivered to it.

3] It is seen that pursuant to an e-auction conducted on 23/12/2022, the petitioner in Writ Petition (L) No.23182 of 2024 was a successful bidder. The petitioner was put in possession of the subject property on 13/06/2023. However, the borrower trespassed into the said property resulting in the First Information Report No.0288/2024 being lodged. It is in this backdrop that the petitioner seeks necessary assistance for re-delivery of the possession.

4] There is no appearance on behalf of respondent no.3 in Writ Petition No.4330 of 2024 despite the fact that on earlier dates the learned counsel had appeared for the said respondent. In our view, in absence of any legal impediment, it would be open for either of the petitioners to seek police assistance for re-delivery of the subject property in favour of the petitioner

in Writ Petition (L) No.23182 of 2024. If such a request is made, same shall be considered in accordance with law and steps for re-delivering the possession be taken.

5] With the aforesaid directions, both these writ petitions are disposed of.

6] List on 21/02/2025 for reporting compliance.

[ M. M. SATHAYE, J. ]

[ A.S. CHANDURKAR, J. ]