

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

WRIT PETITION NO. 15930 OF 2024

Yashwant R. Sanas

...Petitioner

VERSUS

The Tamilnad Mercantile Bank Ltd. and Ors.

...Respondents

....

Mr. Prashant P. Kulkarni a/w Mr. Rachna M and Ms. Ritika Rajeev
i/by Mr. Dinesh Adsule, Advocate for the Petitioner.

Mr. Y. D. Patil, AGP for the Respondent No.14 – State.

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**CORAM : M. S. KARNIK &
 N. R. BORKAR, JJ.**

DATE : 25th JUNE, 2025

P.C.:

1. Heard the learned counsel.
2. The Petitioner is in possession of the flat. The flat is a secured asset according to the Respondent No.1. Learned counsel for the Petitioner submitted that the Petitioner is neither borrower nor a guarantor. The petitioner claims to be the owner of the land as well as building in which the flat is situated. The Petitioner claims to be in possession of the property. Suffice it to observe that in the recovery proceedings pending before the Recovery Officer of Debt Recovery

Tribunal-III (for short “DRT”), the petitioner had filed Intervention Application No.83 of 2022. The said Intervention Application was dismissed by the Recovery Officer by order dated 21.12.2023. Against the said order dated 21.12.2023, the Petitioner filed an appeal on 21.01.2024 before the DRT. The same is pending. It is the contention of the learned counsel for the Petitioner that if any steps for taking possession is taken against the flat in question, the Petitioner will be prejudiced. It is submitted that as of now no action has been taken against the suit flat.

3. In our opinion, as the appeal is pending before the DRT-III, the DRT-III can be directed to decide the appeal expeditiously and preferably within a period of three months from the date on which this order is placed on its record and in accordance with law.

4. Liberty to petitioner to file appropriate proceedings in case any steps for taking possession are taken against the flat in question.

5. Keeping all contentions open, Petition is disposed of.

(N. R. BORKAR, J.)

(M. S. KARNIK, J.)