

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

WRIT PETITION NO.584 OF 2025

1. Sachin Jamsingh Rajput

2. Rakshadevi S. Jadhav

.. Petitioners

Versus

Union Bank of India, Pune

.. Respondent

Mr. Vaibhav Kulkarni (through V.C.) with Mr. Yash Agarwal, Advocates for the Petitioners.

Mr. Yash Jadhav with Ms. Anuja Divadkar, Advocates, i/by NDB Law, for the Respondent.

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

DATE : 14TH JANUARY 2025.

[THROUGH HYBRID HEARING]

PC. :

1. The challenge raised in this writ petition is to the order passed by the Debts Recovery Appellate Tribunal on the application for waiver as moved by the petitioners. On the ground that the petitioners could not deposit the amount as directed, a consequential order dismissing the appeal came to be passed on 17th December 2024. Thereafter, on 26th December 2024, a notice was issued by the Nayab Tahsildar seeking to take possession of the subject property tomorrow - 15th January 2025.

2. The learned counsel for the petitioners submits that in terms of the order passed by the Debts Recovery Appellate Tribunal, an amount of Rs.3,52,658/- is remaining to be so deposited. He further submits that the subject property is a residential house where the petitioners are residing.

3. Considering the aforesaid, while granting time to the learned counsel appearing for the respondent-Bank to file affidavit-in-reply, it is directed that subject to the petitioners depositing the amount of Rs.3,52,658/- with the Debts Recovery Appellate Tribunal pursuant to the order dated 5th November 2024 passed in the application for waiver of deposit by 5:00 p.m. tomorrow, the steps for taking possession of the secured assets as scheduled tomorrow shall stand deferred till the next date of the proceedings.

4. It is made clear that if the aforesaid amount is not deposited by 5:00 p.m. tomorrow, the respondent-Bank would be free to take possession of the subject property.

5. Stand over to 23rd January 2025 for further consideration. Parties to act on authenticated copy of this order.

[M.M. SATHAYE, J.]

[A.S. CHANDURKAR, J.]