

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1255 OF 2025

Ragini Sachin Natkar and Ors. .. Petitioners
Vs.
SMFG India Home Finance Company Ltd. .. Respondent

Ms. Heena Shaikh with Mr. Swapnali Pednekar, Advocates for the
Petitioners.

Mr. Shadab Siddiqui, i/by Mr. R.L. Motwani, Advocates for the
Respondent.

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

DATE : 24TH JANUARY 2025.

PC. :

1. The petitioners have approached this Court raising a challenge to the order dated 23rd January 2025 passed by the learned Presiding Officer, Debts Recovery Tribunal – III in Interim Application No.122 of 2025 in Securitization Application No.40 of 2025 as the said order requires the petitioners to deposit an amount of Rs.10,00,000/- prior to their dispossession. The Court Commissioner having issued a notice on 3rd January 2025 scheduling the possession of the residential premises to be taken today at 11:00 a.m., the petitioners have approached this Court on the premise that the alternate remedy of preferring an appeal would not be efficacious in these facts.

2. We have perused the order dated 23rd January 2025 passed by the learned Presiding Officer, Debts Recovery Tribunal – III as well as notice

dated 3rd January 2025 issued by the Court Commissioner. The learned Presiding Officer has granted limited protection subject to the petitioners depositing an amount of Rs.10,00,000/- prior to being dispossessed. The said order having been passed yesterday and possession of the subject property being scheduled to be taken today, a case for limited interference by extending the time to deposit the amount of Rs.10,00,000/- is made out.

3. Accordingly, the following order is passed :-

- (a) The petitioners are granted time of two weeks to deposit the amount of Rs.10,00,000/- which would be till 7th February 2025.
- (b) The date scheduled for taking possession, as indicated in the notice dated 3rd January 2025 issued by the Court Commissioner, stands altered to 8th February 2025.
- (c) On failure on the part of the petitioners to deposit the aforesaid amount, the said notice shall be acted upon on 8th February 2025.
- (d) It would not be necessary for the Court Commissioner to issue a fresh notice to the petitioners.

4. Subject to aforesaid and keeping all rival contentions open, the writ petition is disposed of.

5. Parties to act on authenticated copy of this order.

[M.M. SATHAYE, J.]

[A.S. CHANDURKAR, J.]