

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

**WRIT PETITION NO.3041 OF 2025**

|                                                                                                  |                |
|--------------------------------------------------------------------------------------------------|----------------|
| Karishma H. Gowda and Anr.                                                                       | .. Petitioners |
| Vs.                                                                                              |                |
| The State of Maharashtra,<br>Through the Executive Magistrate,<br>Mira-Bhayandar, Thane and Ors. | .. Respondents |

Mr. Kishor A. Shinde, Advocate for the Petitioners.

Mrs. Ashwini A. Purav, Assistant Government Pleader for Respondent Nos.1 and 2.

Mr. Chetan C. Agrawal, Advocate for Respondent No.3.

Mr. Mayuresh Jadhav, Legal Manager is present in Court.

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

**DATE : 5<sup>TH</sup> MARCH 2025.**

**PC. :**

1. On 6<sup>th</sup> January 2025, the following order was passed :-

“ 1] The challenge raised in this writ petition is to the order dated 03/01/2025 passed by the Debts Recovery Tribunal vacating the interim order that was passed by it on 15/10/2024. By the said order the petitioners were directed to clear the overdue amount of Rs 13 lakhs as well as installment for two months. It is informed that the amount of installment is Rs 75,000/-.

2] Against the order dated 03/01/2025 a remedy of approaching the Debts Recovery Tribunal is available.

However, the learned counsel for the petitioners submits that despite the conditional order dated 15/10/2024 passed by the Debts Recovery Tribunal, steps for taking possession of the secured asset were taken on 19/12/2024 and possession of the property is to be taken today. It is submitted that the property in question is a residential house and that the petitioner no.2 having suffered brain stroke indulgence may be shown.

3] Considering the nature of directions issued by the Debts Recovery Tribunal on 15/10/2024, subject to the petitioners paying an amount of Rs 15 lakhs to the respondent no.3 Finance Company by 31/01/2025, the execution of the possession warrant shall stand deferred till that date. It is made clear that such payment would be without prejudice to the rights and contentions of the parties.

4] List under the caption “For directions” on 04/02/2025. The petitioners to serve all respondents in the meanwhile. The learned Assistant Government Pleader waives notice for respondent nos. 1 and 2.

5] Parties to act on the authenticated copy of this order.”

2. It is informed by the learned counsel appearing for respondent no.3 that the amount as directed has not been deposited by 31<sup>st</sup> January 2025.

3. Since the petitioners’ Securitization Application is pending before the Debts Recovery Tribunal, it is not necessary to keep the present writ

petition pending. In case any steps are taken by the respondent no.3, the petitioners can move the Debts Recovery Tribunal. Ordered accordingly. All contentions on merits are kept open.

[ M.M. SATHAYE, J. ]

[ A.S. CHANDURKAR, J. ]