

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3569 OF 2025

Shrikant Shyamsunder Biyani

... Petitioner

Versus

ICICI Home Finance Co. Ltd.

... Respondents

.....

Mr. Pratik Irpatgire for the Petitioner.

Mr. Nikhil Rajani i/b V. Deshpande & Co. for Respondent No.1.

CORAM : M. S. KARNIK AND
N. R. BORKAR, JJ.

DATED : 17th JUNE, 2025.

P.C. :

1. Heard learned counsel.
2. The grievance of the petitioner is that the order passed by the DRT for deposit of the entire outstanding amount is unreasonable and unjustified. However, it is pointed by the learned counsel for the respondent-bank that the possession of the secured assets which was already taken, has since been auctioned and even sale certificate has been issued. In this view of the matter, the bank has realised substantial dues of the outstanding amount. Considering these subsequent events, it is now for the petitioner to take appropriate recourse if he seeks restoration of possession. It is open for the petitioner to make appropriate application to DRT, which application shall be decided on its own merits and in accordance with law without being influenced by the observations

in the order impugned in this petition.

3. In view of the subsequent events, keeping the liberty of the petitioner open to approach the DRT for appropriate reliefs, the petition is disposed of.

4. All contentions of the parties are kept open.

(N. R. BORKAR, J.)

(M. S. KARNIK, J.)