

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5665 OF 2025**

Deepak Shankarrao Patil & Anr. ... Petitioners.
V/s
Bank of MaharashtraRespondent.

Adv. Rajesh Kachare a/w Adv. Kashvi Ail, for the petitioner.

Adv. Subir Kumar a/w Adv. Vaishnavi Pawar i/b S.D. Advocates for the respondent-Bank.

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

DATE : 28th APRIL, 2025

P.C. :

1] The challenge raised in this writ petition is to the notice dated 09/04/2025 issued by the Court Commissioner seeking to implement the order dated 17/03/2025 passed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. As per the said notice, possession of the secured asset is to be taken tomorrow.

2] Considering the fact that an alternative remedy of approaching the Debts Recovery Tribunal is available with the petitioners, we are not inclined to entertain the writ petition.

3] Only with a view to grant some breathing time to approach the Debts Recovery Tribunal and seek appropriate relief, the date for taking possession is deferred by a period of two weeks from today. The date of taking possession shall stand re-scheduled to 13/05/2025.

4] At this stage, the learned counsel for the petitioner submits that the petitioner intends to deposit an amount of Rs 15,00,000/- in the Loan Account. It is open for the Bank to accept the aforesaid amount without prejudice to its rights and contentions in the pending proceedings.

5] Accordingly, the following order is passed :-

(i) The petitioner is at liberty to challenge the measures taken by the respondent-Bank by approaching the Debts Recovery Tribunal.

(ii) It would not be necessary for the Bank/Court Commissioner to issue any fresh notice to the petitioners for taking possession of the secured asset. In the notice dated 09/04/2025, the date "29/04/2025" for taking possession of the secured asset shall be replaced by the date "13/05/2025". This arrangement is made only with a view to give some breathing time to the petitioners.

(iii) If an Interim Application is filed by the petitioner before the Debts Recovery Tribunal by 01/05/2025, the Bank shall file its reply by 06/05/2025. The prayer for interim reliefs be considered and decided on its own merits by 09/05/2025.

(iv) All contentions of the parties are kept open.

(v) With the aforesaid directions, the writ petition is disposed of.

All concerned to act on duly authenticated or digitally signed copy of this order.

(M. M. SATHAYE, J.)

(A. S. CHANDURKAR, J.)