

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8798 OF 2025**

Mohd. Mozahiddin Azada and Anr ... Petitioners
V/s.
Union of India and ors. ... Respondents

**WITH
WRIT PETITION NO. 8802 OF 2025**

Nursaba Tahidul Hasssan AzadA and Ors ... Petitioners
V/s.
Union of India and ors. ... Respondents

**WITH
WRIT PETITION NO. 8803 OF 2025**

Mohd. Mozahiddin Azada and Ors. ... Petitioners
V/s.
Union of India and ors. ... Respondents

Mr. Advait Dalvi for the Petitioners.
Mr. D.P. Singh for Respondent No.1/UOI.
Mr. N.C. Walimbe, Addl. GP. a/w. Ms Reena A. Salunkhe, AGP
for the Respondent/State .

**CORAM : M.S. KARNIK &
N.R. BORKAR, J.J.
DATE : 1st JULY, 2025.**

P.C.

1. Heard learned counsel for the petitioners.
2. According to the learned counsel for the petitioners, the petitioners were never served nor communicated with any notice under Section 13 (2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of

Security Interest Act, 2022 (“SARFAESI Act” for short) and that the same came to their knowledge only on 16th June 2025 when a notice was affixed on the subject property informing that physical possession shall be taken on 2nd July 2025 with police aid followed by public auction for sale schedule on 4th July 2025. The petitioners have approached the bank for One-Time Settlement (“OTS” for short), which has been refused.

3. No doubt, the petitioners can approach the forum under the SARFAESI Act. However, learned counsel for the petitioners submitted that the petitioners are willing to offer OTS to the respondent - bank. The outstanding as of today is Rs.90 Lakhs. Learned counsel for the petitioners, on instructions, submitted that they will not object to the authorities for taking possession of the following properties situated at Ulhasnagar, the secured assets.

1. Radha Krishna Apartment
bearing Flat No. 202, 2nd Floor,
Block No.A104, Room No.207,
bearing No.22854 Div. G,
Ulhasnagar Camp-4, District-Thane.
2. Abhishek Residency
situated/constructed on Block No.A-330,
Room No.659, bearing CTS No.22837,
Ulhasnagar-421004, Dist.Thane”

4. However, sofar as the property at “Laxmi Park” situated/constructed at Block No.1833, Block No.C-917, City Survey No. 24504, Ulhasnagar-5, Dist.-Thane is concerned, as U.P.S.C. classes are being conducted from the premises and examinations are due soon and as the petitioners are willing

to offer OTS for paying the outstanding dues, we are inclined to direct the respondents not to dispossess the petitioners and/or occupiers from “Laxmi Park” property situated at Ulhasnagar till the next date.

5. Issue notice to the respondents, returnable on 24th July 2025.

6. The petitioner – Mohd. Mozahiddin Azada, who is present in the Court, says that the payment schedule will be submitted by the next date within which time the outstanding can be paid.

(N.R. BORKAR, J.)

(M.S. KARNIK, J.)