

Rekha Patil

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11196 OF 2025

Jalil Ahmed Siddique and Ors. ...Petitioners
Versus
Encore Asset Reconstruction Company Pvt. Ltd. ...Respondents
And Ors.

Mr. Sandeep Mishra a/w Madhura Mulay, for the Petitioners.

CORAM: SUMAN SHYAM &
SHYAM C. CHANDAK, JJ.

DATED: 22nd AUGUST, 2025.

PC:-

1. Heard.
2. Issue notice to the respondents, returnable on 26th September, 2025.
3. Petitioners to take steps to serve notice upon the respondents. Contending that the petitioners are bonafide purchasers of the flat from the respondent Nos. 3 and 4 without notice and they do not have any liability as regards the loan in question. They have approached this Court, *inter alia*, submitting that their case is covered by the decision of Supreme Court rendered in the case of **Central bank of India and Ors. vs. Prabha Jain and Ors.**¹

1 I(2025)BC 517 (SC)

4. Mr. Sandeep Mishra, learned Counsel for the petitioners, has further submitted that the auction sale of the property is fixed on 29th August, 2025. Therefore, unless an interim order of protection is passed by this Court, the Writ Petition itself will become infructuous.

5. Having regard to the overall facts and circumstances of the case, we hereby permit the respondent-Bank to proceed with auction sale, if so advised, but the sale shall not be confirmed until the returnable date.

6. List again on 26th September, 2025.

(SHYAM C. CHANDAK, J.)

(SUMAN SHYAM, J.)