

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

WRIT PETITION NO. 11789 OF 2025

Tata Capital Housing Finance Limited

... Petitioner

V/s.

The State of Maharashtra & Ors.

... Respondents

Mr. Nikhil Mehta i/b. KMC Legal Venture for Petitioner.

Ms. Ashwini A. Purav, learned AGP for Respondent Nos. 1 to 3 (State).

**CORAM : R.I. CHAGLA AND
FARHAN P. DUBASH, JJ.**

DATE : 3rd DECEMBER 2025

ORDER :

1. By this Writ Petition, the Petitioner has sought directions to Respondent Nos. 2 and 3 to take re-possession of the mortgaged property by removing Respondent Nos. 4 and 5 who are trespassers who have trespassed in the mortgaged property of which possession had been taken by Respondent Nos. 2 and 3. The re-possession is required to be taken by Respondent Nos. 2 and 3 by breaking open the locks on the door of mortgaged property and also by removing any third party in occupation of the mortgaged property including Respondent Nos. 4 and 5.

2. The learned AGP appearing for Respondent Nos. 2 and 3 states on instructions that the Respondent Nos. 2 and 3 will take re-possession of the mortgaged property by removing any third party including Respondent Nos. 4 and 5 herein with the police assistance on or before 7th January, 2026. The statement is accepted.

3. In view of the above statement the Writ Petition is disposed of.

[FARHAN P. DUBASH, J.]

[R.I. CHAGLA, J.]

Ajay Jadhav
WP/11789/2025

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