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

WRIT PETITION NO. 12164 OF 2025

1. Mr. Yar Mohammed Salimulla Momin and Ors. ... Petitioners

V/s.

1. Union Bank of India and Ors. ... Respondents

Mr. Suresh Sabrad a/w Mr. Amey Sawant a/w Mr. Yuvraj Patil a/w Mr. Pratik
Sabrad a/w Ms. Eshwaree Kudalkar for Petitioners
None for the Respondents.

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

DATE : 19th SEPTEMBER 2025

ORDER :

1. The Learned Counsel appearing for the Petitioners has submitted that the urgency for moving the present Writ Petition is on the ground of the possession notice having been issued on 06th September, 2025 wherein it is stated that the Receiver of the Debt Recovery Tribunal-II, Mumbai will visit the subject property on 23rd September 2025 at about 10.00 a.m. for taking possession.

2. Mr. Sabrad, the Learned Counsel for the Petitioners submits that the present Petitioners had circulated the Miscellaneous Application seeking

urgent relief in Appeal No. 57 of 2025 before the Debt Recovery Appellate Tribunal (DRAT), Mumbai. He has submitted that the Miscellaneous Application could not be served on the Respondent Nos. 5 to 9 who are formal parties and accordingly a prayer is sought in the present Petition for a direction to the DRAT, Mumbai to hear and decide the Miscellaneous Application on merits, without insisting on service of proceeding upon Respondent Nos. 5 to 9. He submitted that the present Petitioner will issue public Notice as and by way of substitute service to effect service on Respondent Nos. 5 to 9.

3. Accordingly, the DRAT, Mumbai is directed to hear and decide the Miscellaneous Application filed by the present Petitioners for urgent interim relief in I. A No.57 of 2025 on merits on 22nd September, 2025 when the matter has been placed and dispose of the same on that date.

4. The Petitioner is permitted to serve Respondent Nos. 5 to 9 by way of substitute service i.e. paper publication. It shall be effected prior to 22nd September, 2025. The paper publication by the Petitioner shall be in conformity with the rules as prescribed by the Tribunal.

5. This Order is passed in the peculiar circumstances of the case i.e. in view of the possession Notice dated 06th September, 2025 (annexed to Exhibit-N to the Petition), stating that possession will taken on 23rd September, 2025.

6. The Writ Petition is accordingly disposed of.

7. There shall be no order as to costs.
8. The parties to act upon the authenticated copy of this order.

(FARHAN PARVEZ DUBASH, J.)

(R.I. CHAGLA J.)