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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12985 OF 2025

PNB Housing Finance Ltd. and Anr.

...Petitioners

Versus

The State of Maharashtra, Thru. The Hon'ble
Chief Judicial Magistrate Esplanade Mumbai &
Ors.

...Respondents

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Mr. Nikhil Rajani, i/b. M/s. V. Deshpande and Co. for the Petitioners.
Mr. A.C. Bhadang, AGP for Respondents – State.

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

DATE : 8TH OCTOBER, 2025.

ORDER :

1. By this Writ Petition, the Petitioners are seeking directions to the Respondent No.2 to execute and implement Order dated 7th May, 2025 passed by the Respondent No.1 under Section 14 of the SARFAESI Act within such time as this Court may deem fit and proper and to take physical possession of the secured assets as described in Exhibit 'A' in execution of the Order dated 7th May, 2025

on such date as this Court may fix and to handover the same to the authorized officer of the Petitioners.

2. The learned Counsel for the Petitioners states that pursuant to the Order passed by the Respondent No.1 under Section 14 of the SARFAESI Act, the Respondent – Bank through the Court Commissioner had attempted to take possession of the secured asset. However, a third party who was found in occupation had resisted the physical possession of the secured asset being taken.

3. The learned Counsel for the Petitioners states that, the borrower has filed Application under Section 17 before the DRT and no interim relief has been granted.

4. The learned Counsel for the Respondents states on instructions of Respondent No.4 that Respondent No.2 – Court Commissioner will take physical possession of the secured asset on 29th October, 2025 with the assistance of the Commissioner of Police. The statement is accepted.

5. Accordingly, the Court Commissioner shall give advance

notice of 15 days to the concerned parties for handing over of physical possession of the secured asset.

6. In view of the above statement, the Writ Petition is disposed of .

7. The Writ Petition shall be placed for compliance on 4th November, 2025.

[FARHAN P. DUBASH, J.]

[R.I. CHAGLA J.]