

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION (ST) NO. 36351 OF 2025
IN
WRIT PETITION NO. 13348 OF 2025

Chanderlata Gosai ... Applicant

In the matter between:

Chanderlata GosaiPetitioner

V/s.

State of Maharashtra & Ors. ... Respondents

Mr. Kamlesh Vaswani (through V.C.) a/w Adv. A. R. Shaikh for the Petitioner.

Adv. M. S. Bane, AGP for the State.

Ms. Priyanka Pandey for the Respondent Nos. 2 and 3.

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

DATE : 5th DECEMBER 2025

ORDER:

1. The present Writ Petition has been filed by the Petitioner seeking two main reliefs, Prayer clause (a) which seeks quashing and setting aside of an order dated 15th September 2025 passed by the DRT-2 and Prayer clause (b) which seeks quashing and setting aside of a sale notice dated 18th September 2025.

2. We have heard Mr. Kamlesh Vaswani, the learned Counsel who appears on behalf of the Petitioner and Ms. Priyanka Pandey, the learned Counsel who appears on behalf of the Respondent Nos. 2 and 3.

3. The learned Counsel who appears on behalf of the Respondent Nos. 2 and 3 submits that the relief sought in prayer clause (b) has become infructuous inasmuch as, pursuant to the issuance of the sale notice dated 18th September 2025, no bids were received and therefore the auction did not take place. The statement is noted.

4. Insofar as the prayer clause (a) is concerned, we observe that there is no finding that is recorded in the order dated 15th September 2025. The order merely records the submission made by the Respondent-Bank to the effect that the Applicant had trespassed on the secured asset/property. This is the statement that Mr. Vaswani is aggrieved by and has sought to impugn in his challenge to the said order. In fact, his objection is also recorded in the said order itself. The said order then proceeds to record that the auction that was scheduled to take place on 5th September 2025, did not take place and it has accordingly become infructuous and on that basis, the S.A. No. 413/2025 was disposed of as being infructuous.

5. We fail to see how the Petitioner can be aggrieved by such an

order. In any event, if the Petitioner is desirous of challenging this order, there is a statutory remedy that is available to her to approach the DRAT. This is not a fit case for this Court to exercise extra-ordinary writ jurisdiction.

6. Accordingly, the present Writ Petition is hereby dismissed. There shall be no order as to costs.

7. In the light of the Writ Petition is being dismissed, the Interim Application (ST) No. 36351 of 2025 taken out by the Petitioner does not survive and the same is also disposed of accordingly.

(FARHAN P. DUBASH, J.)

(R.I. CHAGLA J.)

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