

Kavita S.J.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.14993 OF 2025

Marvel Realtors & Developers & Anr., ...Petitioners

Versus

VSJ Investments Pvt. Ltd. & Anr., ...Respondents

Mr. Niranjana Mogre A/W Mr. Swaraj M. Savant for the Petitioners.

Mr. Mayur Khandeparkar a/w Mr. Ayush Rajani, Mr. Kunal Kanoogo
i/b Ms. Khushboo Shah for the Respondent No.1.

CORAM : R.I. CHAGLA, J.
FARHAN P. DUBASH, J.

DATED : 14th NOVEMBER, 2025.

ORDER :

1. The learned Counsel appearing for the Petitioners has sought for continuation of the ad-interim order of the Vacation Court on 24th October, 2025 which is in operation till today for the Petitioners to file Affidavit-in-Rejoinder to the Affidavit-in-Reply filed by Respondent No.1.

2. The said ad-interim order of the Vacation Court had been passed in light of the DRT, Pune not functioning until 29th October,

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2025 as stated by the learned Counsel for the Petitioners. The Vacation Court had considered that possession of the subject Flats was being taken on 24th October, 2025 and in view thereof had directed the Respondent No.1 not to take possession until 14th November, 2025.

3. The Petitioners have already availed of their alternate remedy before Debt Recovery Tribunal under Section 17 of the SARFAESI Act. Accordingly, we are not inclined to entertain the present Writ Petition on this ground. The rights and contentions of the parties in the present Writ Petition are kept open and to be adjudicated before the Debt Recovery Tribunal.

4. In view thereof, the present Writ Petition is dismissed. There shall be no orders as to costs.

5. There shall be continuation of the ad-interim order passed by this Court till 28th November, 2025 for the Petitioners to pursue their alternate remedy before the Debt Recovery Tribunal and seek protective orders therein, if they so desire.

[FARHAN P. DUBASH, J.]

[R.I. CHAGLA, J.]