

Kavita S.J.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.15129 OF 2025

Aditya Suhas Pathak & Ors., ...Petitioners

Versus

Shriram City Union Finance Ltd. & Anr., ...Respondents

Mr. Pandit Kasar for the Petitioners.

Mr. Sanjay Anabhawane a/w Ms. Tejaswi Nanche i/b Ms. Medha Rane for Respondent No.1.

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

DATED : 10th NOVEMBER, 2025.

ORDER :

1. By this Writ Petition, the Petitioners are seeking quashing and setting aside of the Notice dated 24th September, 2025 issued by the Tehsildar of Kalyan, whereby physical attachment / possession of the subject property described in prayer Clause (a) of the Petition is being taken.

2. The learned Counsel appearing for the Petitioners states

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that the possession is being taken tomorrow. He has referred to the orders which have been passed by the Debts Recovery Appellate Tribunal (DRAT) which are annexed to the Petition. In the Order dated 24th July 2024, the DRAT had directed the Appellants to make pre-deposit of sum of Rs.20 Lakh for entertaining the Appeal impugning the Order dated 2nd May, 2024 passed by the Debts Recovery Tribunal III, Mumbai (DRT) in Securitization Application No.43 of 2024. The Appellant had thereafter made the pre-deposit which is recorded in the subsequent Order of the DRAT dated 8th August, 2024.

3. The learned Counsel for the Petitioners have also referred to the Order dated 27th October, 2025 passed by the DRAT, Mumbai (Sitting at Chennai), in Chamber Appeal filed against the Order of the Registrar, DRAT dated 20th June, 2025 declining to register the Appeal Diary 1156/2024 on the ground of non clearance of office objections. By the said Order dated 27th October 2025, the DRAT restored the Appeal subject to removal of office objections within a period of two weeks from the date of the said order. It was made clear that failure to remove the office objections / defects within the stipulated period would result in dismissal of the Appeal.

4. The learned Counsel for the Petitioners states on instructions that office objections have thereafter been removed. He has accordingly sought for restraining the Tehsildar from taking possession of the subject property till the Appeal preferred by the Petitioners before the DRAT is considered.

5. The learned Counsel appearing for the Respondent No.1 states that an Interim Application has also been taken out by the Respondent No.1 in the Appeal filed by the Petitioner for recall of the said Order dated 27th October, 2025. He has submitted that this Interim Application is also required to be considered by the DRAT.

6. We have considered the submissions. The Writ Petition as aforementioned impugnes Notice dated 24th September, 2025 issued by the Tehsildar, Kalyan for attaching / taking possession of the subject property which is scheduled for tomorrow. We considered it appropriate for the Petitioners to be given liberty to file an Application before the DRAT seeking the prayer which has been sought for in this Petition. This is particularly in view of their Appeal pending consideration by the DRAT from the order disposing of the Securitization Application. Further, the Interim Application preferred

by the Respondent No.1 is also pending consideration by the DRAT.

7. The learned Counsel appearing for the Respondent No.1 states on instruction that the Respondent No.1 shall not act upon the Notice dated 24th September, 2025 issued by the Tehsildar of Kalyan and will issue a fresh notice subject to the outcome of the Application of Respondent No.1 in the Appeal of the Petitioners before the DRAT.

8. The Writ Petition is accordingly disposed of. There shall be no orders as to costs.

[FARHAN P. DUBASH, J.]

[R.I. CHAGLA, J.]