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

**WRIT PETITION NO. 15561 OF 2025**

**1. K. Sreevatsan and Anr.**

**...Petitioners**

**V/s.**

**1. DCB Bank Limited and Ors.**

**...Respondents**

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**Mr. Shanay Shah a/w Mr. Rahul Gupta i/b Vidit D. Kumat for Petitioners**

**Mr. Aayush Kothari a/w Mr. Nikhil Rajani i/b Ms. V. Deshpande & Co. for  
Respondent No.1**

**Mr. Som Sinha a/w Ms. Divya Vishwanath and Ms. Rutuja Thaker i/b Som  
Sinha & Associates for Respondent No.2 - Society**

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

**DATE : 19TH NOVEMBER 2025**

**ORDER :**

1. The present Writ Petition has been filed seeking an order directing Respondent No.1-Bank to stay further steps of taking physical possession of the Secured Asset viz Flat No.201, situated in Mahesh Kutir Co-operative Housing Society Ltd., on Plot No.148, on the 14<sup>th</sup> Road, Chembur, Mumbai – 400 071. The Petition also seeks to restrain any action by Respondent No.1-Bank pursuant to the Order dated 13<sup>th</sup> August 2025 passed under Section 14 of the SARFAESI Act.

2. We are informed that pursuant to the Section 14 Order, a Notice dated 14<sup>th</sup> October 2025 came to be issued by the Court Commissioner, informing the parties that he would take possession of the secured asset on 13<sup>th</sup> November 2025. It is not disputed that on 13<sup>th</sup> November 2025, no such possession was taken by the said Court Commissioner. Instead, it appears that a hand written note / Undertaking came to be given by the Petitioners, wherein they are stated to have undertaken to voluntarily hand over possession of the secured asset on 20<sup>th</sup> November 2025. Since there is some controversy surrounding the manner and means under which this hand written note / Undertaking came to be given, we are not going into the same and / or expressing our views on it at this stage considering the order that is being passed today.

3. On instructions, Mr. Aayush Kothari, Learned Counsel appearing on behalf of the Respondent No.1-Bank states that after 13<sup>th</sup> November 2025, no further notice has been given by the Court Commissioner for taking possession of the Secured Asset on any subsequent date and therefore, he submits that the apprehension of the Petitioners that possession of the secured asset would be taken on 20<sup>th</sup> November 2025, as mentioned in the said handwritten note / Undertaking is misplaced and incorrect. On instructions, he further states that possession of the secured asset will be taken by the Court Commissioner only after an appropriate notice is issued in that regard, as per law. Both statements are noted and accepted.

4. The present Writ Petition is disposed of in terms of the above statements. There shall be no order as to costs. The rights and contentions of the parties are kept open.

( FARHAN P. DUBASH, J. )

( R.I. CHAGLA J. )