

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

**INTERIM APPLICATION NO.10180 OF 2025
IN
WRIT PETITION NO.4163 OF 2024**

Surendran Manikan Payamal & Anr. ... Applicants/Petitioners

Vs.

The State of Maharashtra & Ors. ... Respondents

Mr. Manoj Jaiswal a/w Vedant Gurav, Vaibhav Choudhary, Ruchi Mathur
for the Applicants/Petitioners.

Mr. Y. D. Patil, AGP for the Respondent-State.

Ms. Priyanka Lanke for Respondent Nos.3 and 4.

**CORAM : M.S. KARNIK &
N.R. BORKAR, JJ.**

DATE : 21ST JULY 2025

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1. A request is made by Learned Counsel for Respondent Nos.3 and 4 for time to file Affidavit in Reply. One week's time is granted to file Affidavit in Reply.

2. We find that this Court by the order dated 3rd April 2024 had called upon Respondent Nos.3 and 4 to file Additional Affidavit indicating steps taken to sell the mortgaged property of the principal borrower. This Court in Paragraph 5 has observed and directed that while it is open for the Recovery Officer to take symbolic possession of residential premises of the

Petitioners, however, physical possession shall not be disturbed till the returnable date.

3. From the order sheets, we find that on a couple of occasions the ad interim relief was continued. On 26th April 2024 this Court recorded that Learned Counsel appearing for Respondent Nos.3 and 4 seeks time to file Additional Affidavit. Time was granted. Then again on 13th June 2024 further time was sought.

4. Now the Petitioners have placed on record an application made by Respondent Nos.3 and 4 to the Deputy Commissioner of Police seeking protection for taking physical possession of the Petitioners' residential premises.

5. Till the next date, physical possession of the residential premises, which is the subject matter of the Application dated 16th June 2025 shall not to be taken.

6. Stand over to **30th July 2025** under the caption 'for fresh admission'.

(N.R. BORKAR, J.)

(M.S. KARNIK, J.)