

WRIT PETITION NO.4705 OF 2024

Mr. Yadunath Bhargavan (VC) for Petitioner.

Mr. Sunil A. Vyas a/w Rishika A. Jain, Aagam Mehta and Ooshha Jain i/b. Fox Mandal and Associates LLP for Respondent No.2.

**CORAM : M.S. Sonak &
Advait M. Sethna, JJ.**

DATED : 14 November 2025

P.C.:-

1. Heard Mr. Yadunath Bhargavan, through VC for the Petitioner and Mr. Sunil Vyas, learned counsel for the second Respondent.
2. The Petitioner's grievance in this Petition is that the property which, according to the Petitioner, is owned by the Petitioner is included as the debtor's property in the CIRP.
3. Given the decision of the Hon'ble Supreme Court in the case of **Mohammed Enterprises (Tanzania) Ltd. vs. Farooq Ali Khan & Ors.**¹ it would not be appropriate for us to entertain this Petition. In any event, this Court, in exercise of

¹ Civil Appeal No.48 of 2025

its Summary jurisdiction under Article 226 of the Constitution of India, normally, does not decide issues of title or other disputed questions of fact.

4. On the above grounds, we decline to entertain this Petition. However, we leave it open to the Petitioner to explore the alternate remedies that the Petitioner might have for redressal of its grievance. The learned counsel for the second Respondent submits that the Petitioner has an alternate remedy under Section 60(5) of the IBC.

5. Accordingly, we dismiss this Petition with liberty to the Petitioner to avail of the appropriate alternate remedies available under the law.

6. All contentions of all parties on the rival contentions including the condonation of delay, limitation, etc. are expressly kept open since we have not examined the same.

(Advait M. Sethna, J)

(M.S. Sonak, J.)