



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.2314 of 2025

Kishor s/o Vithalrao Vinchurkar and another

vs.

The Authorised Officer, Tata Capital Limited and another

*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

Court's or Judge's Orders

Mr. S.D. Chande, Advocate for the Petitioners.

CORAM : ANIL L. PANSARE, J.

DATE : 28th APRIL, 2025.

The petitioners are before this Court against the concurrent findings rendered by the trial Court as well as the first appellate Court refusing to grant injunction restraining respondent No.1-Financial Company to seize the property, which is allegedly mortgaged by the petitioners.

02. It is a specific contention of the petitioners that neither of them have signed the mortgage-deed or applied as co-borrowers. According to the petitioners, respondent No.2, their son, has taken a loan from respondent No.1 and has forged signatures of both the petitioners. The signature of petitioner No.1 has been made as guarantor and signature of petitioner No.2 is made as co-borrower. Respondent No.2 failed to repay the loan and, therefore, respondent No.1 initiated proceedings under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 against the petitioners.

03. The petitioners filed a suit for injunction. Learned Counsel for the petitioners submits that the petitioners had placed on record a Hand Writing Expert's Report showing that the author of signatures are two different authorities. Despite such evidence, the Courts below have refused the application on the ground that the report can be considered only after

full fledged trial. The Courts below, however, disbelieved the theory of the petitioners of alleged forgery, because the petitioners failed to tender any explanation as to how the title-deeds belonging to them passed on to respondent No.1.

04. As such, the Counsel for the petitioners submits that the petitioner No.1 has lodged report against respondent Nos.1 and 2 both. However, the copy of NC Report placed on record indicates that the report was lodged only against the Officer of respondent No.1, who visited the suit property and allegedly threatened the petitioner No.1.

05. The Counsel for the petitioners submits that report was lodged against both the respondents. However, the police authority has noted part contents in the NC Report. He seeks time to place on record copy of the report lodged before Saoner Police Station, Saoner. Report lodged with Saoner Police Station be filed.

06. Issue notice to the respondents, returnable on 7th May, 2025.

07. Hamdast is granted. In addition to usual mode of service, the petitioners may serve the respondents by all permissible modes including service by speed-post and shall file affidavit of service.

(Anil L. Pansare, J.)

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