



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

Writ Petition No.2314/2025

Kishor and another V Authorized Officer, Tata Capital Ltd, Nagpur and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S.D. Chande, Advocate for petitioners.
Mr. M. Anil Kumar, Advocate for resp. no.1.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 19-11-2025.

Although the matter is listed in order matters because service to respondent no.2 is awaited, learned Counsel for the petitioners has argued extensively for seeking an interim relief by pointing out that respondent no.1 has initiated the process of recovery of loan and notice dated 10-11-2025 under Section 14 of the Secularization and Reconstruction of Financial Assets and enforcement of Security Interest Act, 2002 (for short, SARFACI Act') is already issued intimating the petitioners that physical possession of the property will be taken on 26-11-2025. Learned Counsel for respondent no.1 submits that in the process of recovery of loan amount, earlier a notice under Section 13(2) of the SARFACI Act was issued by respondent no.1, which was not objected nor it was challenged by the petitioners. Consequently, notice under Section 14 is issued. Learned counsel for the petitioners submits that since the civil suit is pending in which the petitioners case is about forgery of their signature, the said notice under Section 13(2) was not objected.

2. Today, in view of the fact that the physical possession of the petitioners dwelling house is likely to be taken based on notice dated

10-11-2025, a request for protection of the petitioners possession is made by the Counsel for the petitioners. On instructions from petitioner no.1 who is personally present in the Court, learned Counsel for the petitioners states that as of now, petitioner no.1 is ready to deposit an amount of Rs. 10 Lakhs on or before 25-11-2025 and further amount of Rs 10 Lakhs within 10 days thereafter. The amount of Rs. 10 Lakhs be paid directly to respondent no.1 on or before 25-11-2025 and further amount of Rs. 10 Lakhs be deposited in this Court within a period of 10 days from 26-11-2025. Subject to deposit of amounts as aforesaid, the physical possession of the petitioners dwelling house may be protected.

3. List the petition for further consideration on 08-12-2025.

(Prafulla S. Khubalkar, J.)