



{1}

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

63 WRIT PETITION NO. 270 OF 2026

The Central Bank Of India Through Its Authorized Officer Mr. Chandan
Kumar

VERSUS

The State Of Maharashtra And Others

.....

Dr. Sahebrao G. Nandedkar, Advocate for Petitioner

Mr. V.K. Kagne, AGP for Respondent No.1 to 4

.....

CORAM : SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAVKAR, JJ.

DATE : 19 JANUARY, 2026

PER COURT [Per Hiten S. Venegavkar, J.] :-

1. The present petition has been filed seeking directions to respondents No.2 and 3 to restore the possession of the Secured asset situated at Sr. No. 203/80, Plot No.1A, Residential Flat No.1, Kopargaon, Tq. Kopargaon, District Ahmednagar and handover the same to the petitioner.

2. Heard the learned advocate for the petitioner. Learned AGP waives service of notice for respondents No.2 to 4.

3. In respect of the possession of the secured asset, which has been lawfully taken by the Banks, this Court has already considered the issue in *Motilal Oswal Home Finance Limited v. The State of Maharashtra and Others* [Writ Petition No. 71 of 2026, decided on 06.01.2026

{2}

(Aurangabad Bench)], wherein it was held that a fresh application under Section 14 of the SARFAESI Act is maintainable before the learned Magistrate. The Court also issued directions setting out the modalities regarding how such applications are to be decided by the Magistrate

4. In view of the said judgment, we dispose of the present petition to pursue the said application in accordance with the judgment mentioned above.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

S P Rane