



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

922 WRIT PETITION NO.1197 OF 2026

JM FINANCIAL HOME LOANS LIMITED THR. ITS AUTHORIZED OFFICER
VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. B.S. Choure, Advocate for petitioner

Mr. S.K. Tambe, AGP for respondent Nos.1 to 4

...

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

DATE : 06th MARCH, 2026

ORDER :

. Present petition has been filed seeking directions to respondent Nos.1 and 2 by restitution the possession in favour of petitioner of the property located at Plot No.1, total admeasuring 171 sq. mtrs, towards Northern side admeasuring 82.38 sq. mtrs. situated at Gat No.246/1 at Dabapimpri, Tq. Parola, Dist. Jalgaon and the secured asset which is illegally in the possession of borrower Nilesh Lotan Patil, Bhikubai Lotan Patil, Lotan Shivdas Kate and Amol Lotan Patil.

2 Heard learned Advocate for petitioner. Learned AGP waives service of notice for respondent Nos.1 to 4.

3 In respect of possession of secured asset, which has been lawfully taken by the Bank, this Court has already considered the issue in **Motilal Oswal Home Finance Limited vs. The State of Maharashtra and others** in Writ Petition No.71 of 2026 on 06.01.2026, 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, J.)

(SMT. VIBHA KANKANWADI, J.)

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