



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 1546 OF 2026

Motilal Oswal Home Finance Limited Thorough Its Authorised Officer

VERSUS

The State Of Maharashtra And Others

Ms. Priyanka Deshpande h/f Mr. S. S. Deshpande, Advocate for petitioner
Mr. V. M. Kagne, AGP for respondent Nos. 1 to 3.

**CORAM : Smt. Vibha Kankanwadi &
Hiten S. Venegavkar, JJ.**

DATE : 11th February, 2026

PER COURT :-

1. The present petition has been filed seeking directions to respondents No.1 and 2 to retake the possession of the Secured asset situated at Gat No. 444/1/2 A/P. Takalimya Tal. Rahuri Dist-Ahmednagar 413705 and handover the same to the petitioner.

2. Heard the learned advocate for the petitioner. Learned AGP waives service of notice for respondents Nos. 1 to 3.

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 (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, J.)

(Smt. Vibha Kankanwadi, J.)

B. S. Joshi