IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4907 OF 2025

RUPALI VILAS DIWATE
VERSUS
S. DATTA MINERAL WATER PVT. LTD AND OTHERS
...
Mr. Vijay Vasantrao Deshmukh, Advocate for the Petitioner.
Mr. D. Y. Nandedkar, Advocate for Respondent No.4
...
CORAM : S. G. CHAPALGAONKAR, J.
DATED : 03rd FEBRUARY, 2026.

P.C.:-

1. The present Writ Petition takes exception to order dated 04.02.2025 passed below Exhibit-36 by Civil Judge Senior Division, Shrigonda, Dist. Ahmednagar in Special Civil Suit No.35/2016, by which petitioner's prayer for grant of *status quo* in respect of suit property has been rejected.

2. The petitioner is original plaintiff in Special Civil Suit No.35/2016. The petitioner instituted suit seeking relief of declaration that sale deed dated 22.06.2014 executed by her alongwith defendant no.3 is null and void. While aforesaid suit is pending, petitioner filed an application seeking direction to add Punjab National Bank as party defendant and also sought order of *status quo* against bank to not to create third party interest over suit property. The Trial Court refused to entertain application observing that application is moved after eight years of institution of suit. The sale deed, which is subject matter of challenge has

been executed on 22.06.2014. The suit is filed on 17.12.2016 and pleadings in support of relief claimed against Punjab National Bank are absent.

3. It appears that, property which is subject matter of suit has been sold by plaintiff and defendant no.3 in favour of defendant nos.1 and 2 under registered sale deed dated 22.06.2014. After death of defendant no.3, suit is instituted by plaintiff seeking relief that sale deed executed by her and defendant no.3 is null and void. Apparently, suit property has been mortgaged to Punjab National Bank by defendant nos.1 and 2. They defaulted in repayment of loan and suffered action under Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act of 2002 (for short 'SARFAESI Act').

4. At this stage, in absence of pleading or challenge to mortgage, action initiated under SARFAESI Act by creditor bank cannot be stalled. The Bank is recently added as party in suit and *status quo* order is prayed. There are no strong reasons for granting interim relief at this stage. In fact, it is for petitioner to prove in suit that sale deed executed in favour of defendant nos.1 and 2 is null and void. At present there is no material to draw inference to that effect. The plaintiff could not make out, *prima facie*, case in support of contentions in application.

5. In result, rejection of application below Exhibit-36 cannot be faulted. The petitioner shall be at liberty to raise necessary contention in suit and any action taken by Bank would be subject to outcome of suit.

6. The petitioner can also avail remedy under SARFAESI Act before Debt Recovery Tribunal, if so advised.

7. In result, no case is made out to invoke extraordinary jurisdiction under Section 227 of Constitution of India. Writ Petition stands dismissed.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/February-2026