



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 829 OF 2026

1. Om Sai Real Estate,
Registered Office at Plot No. B-7, C-Sector,
Near MIT High School,
Kamgar Chowk Road, N-4, CIDCO,
Chhatrapati Sambhajinagar.

i] Sudhakar s/o Prabhakar Gaikwad,
Age : 44 years, Occu. Business,
R/o. C/o. Plot No. B-7, C-Sector,
Near MIT High School,
Kamgar Chowk Road, N-4, CIDCO,
Chhatrapati Sambhajinagar.

ii] Mrs. Anita w/o Sudhakar Gaikwad,
Age : 40 years, Occu. Business,
R/o. C/o. Pot No. B-7, C-Sector,
Near MIT High School,
Kamgar Chowk Road, N-4, CIDCO,
Chhatrapati Sambhajinagar.

....Petitioners

Versus

- 1] Canara Bank,
A Body Corporate duly constituted under the
Banking Companies (Acquisition) &
Transfer of Undertaking) Act, 1970,
Having its Head Office at 112, JC Road, Bangalore.

Branch amongst the other places as -
At Railway Station, Aurangabad.
Through Power of Attorney Holder &
Chief Manager,
Mr. Akhilesh Chandra Joshi,
Age : 39 years, Occu. Service,
R/o. C/o. Canara Bank,
Railway Statiion Branch, Aurangabad.

- 2] The Authorized Officer,
Canara Bank,
Railway Station Branch, Aurangabad.

...Respondents

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Mr. Milind Madhu Joshi – Advocate for the Petitioners
Mr. Aditya Sikchi h/f Mr. V. R. Patil – Advocate for Respdt Nos. 1 & 2
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**CORAM : SMT. VIBHA KANKANWADI
AND
HITEN S. VENEGAVKAR, JJ.**

DATED : 21ST JANUARY, 2026

PER COURT : -

1. Not on Board. Taken on Board.
2. The present writ petition challenges various orders passed by the learned Debts Recovery Tribunal, Aurangabad, and especially the order dated 20.01.2026. Upon submissions by the learned Advocate for the Petitioners, we had ensured that the notices are served upon Respondent Nos. 1 and 2, and thereafter we took up the matter in the second session. Thereupon, Advocate Mr. Aditya Sikchi holding for Mr. V. R. Patil appears for the Respondents and waives notice on their behalf. He submits that, in view of the order dated 20.01.2026, possession of one of the properties of the Petitioners has been taken today itself and there are two more properties which are now the secured assets in the matter. The possession has also been taken and the process of taking possession of those properties is underway. He also points out that there is a provision of Appeal to challenge the order passed by the learned DRT and, therefore, the Writ Petition is not

maintainable. He also points out the *modus operandi* of the Petitioners that they had promised to make payments. They have violated the earlier orders of the Tribunal even after seeking extension of time for payments. The outstanding amount against the Petitioners is more than 2.58 crores.

3. The learned Advocate for the Petitioners tries to submit that, the property which was not mortgaged was also taken in possession by the Respondents and has been sold. The Petitioners are willing to repay the amount, however, there are difficulties for the Petitioners to pay the amount which the Petitioners are placing before the learned DRT. Sufficient time was not given and even yesterday when the order was passed, it was made conditional with direction to the Respondent – Bank to defer the possession of secured assets fixed today, in case the Petitioners deposit an amount of Rs. 1.00 crore before 12:00 noon. This condition is too harsh for compliance.

4. We are making it very clear that we are not entertaining the Petition on any other ground and when there is provision for Appeal, the Petitioners are at liberty to exhaust the same. We are only entertaining the Petition taking into consideration the harsh condition. Though in the past the conduct of the Petitioners might not have been as directed, yet a chance could have been given while directing deferment of the

possession of the secured assets. Reasonable time ought to have been given. Now, already in the afternoon, possession of one of the properties is stated to have been taken and, therefore, we direct the Petitioners to deposit an amount of Rs. 1.00 crore till 4th February, 2026, and we direct the Respondents to defer the possession of the other secured assets till then. We make it very clear that if the said amount of Rs. 1.00 crore is not deposited on or before 4th February, 2026, the Petitioners shall voluntarily hand over possession of the other properties on 06th February, 2026 to the Respondents No. 2, failing which the Bank is at liberty to proceed further.

5. With the directions as above, the Petition stands disposed of.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

LATER ON : -

6. After the order was dictated in open Court, the learned Advocate for Respondent Nos. 1 and 2 appeared and informed this Court that possession of the other two properties had also been taken thereafter. We called upon the learned Advocate for the Petitioners to confirm the said position. He appeared and confirmed the said position after taking instructions from the Petitioners. He now, therefore, seeks withdrawal of the Petition.

7. In view of the above, the Petition stands disposed of as withdrawn.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

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