

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 110 OF 2026

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Rahul Namdev Kawade & Ors.

... Petitioners

Versus

Aspire Home Finance Corporation Ltd. & Ors.

... Respondents

.....
Mr. D.V. Sutar a/w Shruti P. Ghodake, Rakshita Shinde, Omkar Sutar,
Samirulla Patil and Reshma Adnaik for the Petitioners.

None for the Respondents.

.....

CORAM : R.G. AVACHAT AND
AJIT B. KADETHANKAR, JJ.

DATE : 14th JANUARY, 2026.

P. C. :

1. Mr. Sutar, learned Counsel for the Petitioners would submit that Petitioner is the borrower and proceeding under the provisions of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "SARFAESI Act") has been initiated against the Petitioners by the Respondent No.1 Financial Corporation. He would submit that certain proceedings are also taken up before the learned Debt Recovery Tribunal (DRT) wherein learned DRT has passed

an order handing over possession of the subject matter secured assets and secured creditors. Mr. Sutar would submit that the Petitioners have already over paid the amount and as such no order should be passed.

2. After arguing the matter for some time, he fairly accepted that Petitioners would pursue their remedy before the appropriate forum in appropriate proceedings and leave may be granted to withdraw the Petition. Leave granted.

3. The Writ Petition stands disposed of as withdrawn with liberty as prayed for.

4. Time spent in prosecuting the present Writ Petition shall be considered by the concerned Authority while calculating the delay if any.

[AJIT B. KADETHANKAR, J.]

[R.G. AVACHAT, J.]