

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 659 OF 2026

Balaji Raghunathrao Gunale

... Petitioner

Versus

The Union Of India & Ors.

... Respondents

Mr. Mohansinh U. Rajput for the Petitioner.

Mr. Vijay Killedar a/w. Mr. Shivraj Jagadale for the Respondent No.1.

Mr. S.R. Ganbavle for the Respondent Nos.4 & 5.

Coram : R.G. AVACHAT &
AJIT B. KADETHANKAR, JJ.

Date : 4th February 2026.

PER COURT :

1. The Petitioner had taken a home loan from the Respondent-Bank. Since, he allegedly defalcated on the loan, the bank resorted to recourse to Section 13(2) & 14 of The Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI) Act, 2002. The Petitioner – borrower has filed a civil suit.

2. According to the learned counsel for the Petitioner, in the loan agreement, it was agreed that the rate of interest on the loan would be

floating. According to the learned counsel, the bank has however charged a fixed rate of interest i.e. 12% monthly basis. Therefore, the Petitioner has filed a civil suit for declaration that the home loan mentioned in paragraph No.1 of Regular Civil Suit No. 401 of 2023 has been fully paid, for refund of excess amount of Rs.75,000/- along with interest and other consequential reliefs. He further submits that the Petitioner has now deposited a sum of Rs.5,59,486.66 with the Respondent-Bank under protest.

3. Learned counsel appearing for the Respondent-Bank makes a statement that the said amount would be appropriated towards the dues from the Petitioner and the Respondent-Bank would not proceed with any kind of proceedings for recovery of its dues.

4. In this view of the matter, we dispose of the Writ Petition with a request to the learned Civil Judge to decide the said suit as early as possible. The amount deposited by the Petitioner shall be subject to the outcome in the suit.

[AJIT B. KADETHANKAR, J.]

[R.G. AVACHAT, J.]

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