IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13145 OF 2026

Dineshkumar Rajitram Yadav and another … Petitioners

vs.

The State of Maharashtra and others … Respondents

Mr. Ashok Saraogi a/w. Mr. Anand Mishra, Mr. Ankit Upadhyay and Mr. Sushil Upadhyay for petitioners.

Mr. Anirudhha Garge, 'B' panel advocate for respondent Nos.1 and 4 – State authorities.

Mr. Nikhil Salvi a/w. Mr. Pradeep Bhor and Ms. Riya Pawar for respondent No.2 – secured creditor.

CORAM : MANISH PITALE &
SHREERAM V. SHIRSAT, JJ

DATE : 05th OCTOBER, 2026

P.C. :

. By this petition, the petitioners have assailed order dated 30.09.2026 passed by the Debts Recovery Tribunal – I, Mumbai (DRT), whereby a *praecipe* moved on behalf of petitioners was dismissed.

2. It is an admitted position that on 01.10.2026, physical possession of the secured asset has already been taken by respondent No.2 – secured creditor. Securitisation Application No.182 of 2026 filed by the petitioners is pending before the DRT.

3. Today during the course of arguments, the learned counsel appearing for the petitioners submits that for a minor default, physical possession of the subject property has been taken, due to the fact that the default led to the entire loan amount along with interest

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becoming due and payable. It is submitted that the petitioners are ready to make good the default in EMIs along with interest, as may be chargeable, in accordance with law and they also undertake to continue to pay the installments regularly. On this basis, it is submitted that the petitioners can be put back in possession of the property.

4. We are of the opinion that this writ petition was essentially filed due to grave urgency, in the backdrop of the proposed exercise of taking physical possession on 01.10.2026. As a matter of fact, interim application in the pending securitisation application was also filed for seeking stay of dispossession.

5. Since respondent No.2 – secured creditor has already taken possession of the secured asset, the urgency for pressing the present petition no longer exists. Submissions made before this Court, as noted hereinabove, can certainly be advanced before the DRT in the pending securitisation application by moving an appropriate interim application, if necessary. We are of the opinion that the DRT, as the original authority under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, is better equipped to deal with the submissions and counter-submissions made by the contesting parties in that context.

6. In view of the above, the writ petition is disposed of by granting liberty to the petitioners to move an appropriate interim application in the pending securitisation application, making the offer as stated before this Court, so that a workable solution can be found out and the petitioners can also claim appropriate relief with regard to physical possession of the secured asset.

7. If the petitioners file such an interim application before the DRT in the pending Securitisation Application No.182 of 2026 within two days from today, the same shall be taken up urgently for consideration. The petitioners shall serve advance copy of the proposed interim application on the contesting respondent No.2 – secured creditor.

8. The DRT is directed to take up such application for consideration and appropriate orders at the earliest and in any case on or before 12.10.2026.

9. The DRT shall taken into account the rival submissions to pass the order in the interim application as well as securitisation application. This Court is not expressing any opinion on the merits of the matter. All the rights and contentions of the parties are kept open.

10. Pending applications, if any, also stand disposed of.

(SHREERAM V. SHIRSAT, J.) (MANISH PITALE, J.)

Priya Kambli