IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 14253 OF 2026

Parvez Alam Siddique and Anr. …Petitioners

Versus

Bassein Catholice Co. Op. Bank Ltd. and Ors. …Respondents

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Mr. R.A. Shaikh a/w. Mr. Hasan Sayed i/b. Sohel K., for the Petitioners
Mr. Agnel Carneiro i/b. M/s. Mulla & Mulla & CBC, for Respondent No. 1- Bank.
Mr. S.P. Kamble, AGP, for the State.

VISHAL SUBHASH PAREKAR
Digitally signed by VISHAL SUBHASH PAREKAR
Date: 2026.10.22 18:18:52 +0530

CORAM : MANISH PITALE AND
SHREERAM V. SHIRSAT, JJ.

DATE : 22nd OCTOBER, 2026

P.C. :

1. This petition was mentioned in the morning for urgent production in the light of grave urgency projected on behalf of the petitioners. This is in the backdrop of a notice dated 05.10.2026 issued by the Tehsildar and Executive Magistrate, Vasai, stating that physical possession of the subject property will be taken tomorrow, i.e. on 23.10.2026.

2. We directed the petitioners to serve a notice upon the respondent No. 1 Bank (secured creditor) and directed the petition to be listed in the production board in the afternoon. Accordingly, notice

appears to have been served on the respondent No. 1 Bank, which is now represented by a learned counsel.

3. The grievance of the petitioners is that although they have filed Securitisation Application (Diary) No. 1852 of 2026 along with an Interim Application (Diary) No. 3904 of 2026 seeking urgent interim reliefs, on a mention being made before Debts Recovery Tribunal-II, Mumbai, as In-charge of Debts Recovery Tribunal-III on 16.10.2026, circulation has been granted for 26.10.2026. It is submitted that if the applications filed on behalf of the petitioners are not heard before the exercise of physical possession is undertaken, the prayer for interim relief would be rendered infructuous. It is in these circumstances that the petitioners have rushed to this Court to seek a direction to the DRT to hear the pending applications of the petitioners on or before 23.10.2026.

4. The learned counsel appearing for respondent No. 1 Bank submits that the petitioners have deliberately sought to create a situation of grave urgency before this Court by filing the applications before the DRT in a belated manner. It is brought to our notice that the order of the competent Magistrate under Section 14 of the SARFAESI Act was passed as far back as on 09.11.2025. Thereafter,

three earlier notices dated 27.01.2026, 27.03.2026, and 17.04.2026 were issued for taking physical possession of the subject property. The last notice dated 05.10.2026, which is annexed to this writ petition, stating that the possession would be taken tomorrow on 23.10.2026, is the fourth notice issued to the petitioners. On every earlier occasion, the petitioners gave assurances to respondent No. 1 Bank that they would pay the outstanding amount, but no steps were taken in that regard. In this backdrop, it was submitted that this Court may not show any indulgence to the petitioners. It was submitted that the total outstanding amount as on today is Rs. 1,55,47,869.38.

5. Considering the facts brought to our notice by the learned counsel appearing for respondent No. 1, we are inclined to give only a limited direction while disposing of the present writ petition. It is to be noted that despite the first notice for taking possession having been issued as far back as on 27.01.2026, the petitioners chose to file the applications before the DRT only on 14.10.2026. Taking into consideration the said position, we are inclined to dispose of the writ petition issuing the following directions:

a] The writ petition is disposed of by directing that the actual exercise of taking physical possession of the subject

property in terms of the notice dated 05.10.2026 shall be undertaken at 4:00 pm tomorrow, i.e. 23.10.2026, so that the petitioners have an opportunity to make out their case before the DRT tomorrow during the daytime.

b] The exercise of taking physical possession will depend upon the order that the DRT may pass after hearing all concerned parties.

c] Accordingly, we further direct the petitioners to serve a copy of the papers pertaining to the said Securitisation Application and interim applications filed therein during the course of the day today.

d] We further direct DRT- II, Mumbai, as In-charge of DRT-III, to take up the said Securitisation Application (Diary) No. 1852 of 2026 filed by the petitioners along with Interim Application (Diary) No. 3904 of 2026 for consideration tomorrow (23.10.2026) in the morning in the urgent category.

e] Respondent No. 1 Bank shall be heard before any order is passed in the matter.

6. The writ petition is disposed of in the above terms.

7. Parties to act upon the authenticated copy of this order.

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