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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 2348 OF 2026**

Flora Tony Rozario

...Petitioner

Versus

IFL Home Finance Ltd. and Ors.

...Respondents

Mr. Charles DeSouza a/w Ms. Pragati Gothi for the Petitioner.

Mr. Shashank Fadia a/w Ms. Priyanka Fadia for Respondent No.1.

Mr. Swapnil Newaskar for Respondent No.3.

Ms. Tanu N. Bhatia, AGP for Respondent No.5 – State.

Mr. Vinod Sonajkar, Authorised Officer of Respondent No.1 present in person.

**CORAM:     MANISH PITALE &  
                 SHREERAM V. SHIRSAT, JJ.**

**DATE:        18<sup>th</sup> MARCH 2026**

**P.C.**

1. In this Petition on 24<sup>th</sup> February 2026, this Court had pass the following order :

*. Heard learned counsel for the petitioner.*

*2. The learned counsel for the petitioner, on instructions and on the basis of the statements made in the writ petition, submits that the petitioner is ready to make payment to respondent No.1 of the alleged shortfall in repayment of amount by the original borrowers i.e. respondent Nos.2 to 4. It is submitted that having paid the entire consideration for the subject flat, as on today, the petitioner is out of possession and forced to stay in rented accommodation. Attention of this Court is invited to a letter dated 21.04.2025 addressed to respondent No.1, stating that the petitioner is ready to pay the difference amount of 1,64,194 against the subject flat.*

*3. Since respondent No.1 is essentially interested in recovery of its dues, we are of the opinion that respondent No.1 ought to respond to the said contentions raised on behalf of the petitioner.*

*4. Issue notice for final disposal, returnable on 18.03.2026, to be listed at the bottom of the supplementary list.*

*5. Mr. Fadia waives notice on behalf of respondent No.1. Mr. Swapnil Nuwaskar waives notice on behalf of respondent Nos.2 to 4.*

*6. Reply affidavit, if any, be filed before the next date of listing*

2. Today, when the Petition is taken up for hearing apart from the Learned Counsel appearing for the Respondent No.1 – Secured Creditor, Respondent Nos. 3 and 4 are also represented by Counsel.

3. Reply affidavit on behalf of Respondent No.3 is tendered. The same is taken on record.

4. The Learned Counsel for the Petitioner submits that in furtherance of submissions made on 24<sup>th</sup> February 2026, the Petitioner has kept ready a Demand Draft of Rs.1,64,194/- dated 16<sup>th</sup> March 2026 payable to the Respondent No.1 – Secured Creditor. It was submitted that this Court may consider allowing the said Demand Draft to be made over to the Respondent No.1 and in lieu thereof directions may be issued to the Respondent No.1 to put back the Petitioner in possession and also to release its charge on the subject flat.

5. The Learned Counsel appearing for Respondent Nos. 3 and 4 (original borrowers) submits that they have filed Securitisation Application No.110 of 2022 before the Debt Recovery Tribunal – I, Mumbai (DRT) which is still pending. According to the Respondent Nos. 3 and 4 they have repaid excess amount to the Respondent No.1. This is denied by Respondent No.1 and the dispute is pending before the DRT.

6. We are of the opinion that since the Petitioner is paying the aforesaid amount which is allegedly the difference amount to the Respondent No.1 – Financial Creditor, appropriate orders can be passed to dispose the Writ Petition today, issuing specific directions to take care of the interest of all the parties.

7. In view of the above, the Writ Petition is disposed of in the following manner :

(a) The Learned Counsel for the Petitioner has handed over aforementioned draft for an amount of Rs.1,64,194/- to the Learned Counsel appearing for Respondent No.1 – Secured Creditor. In view thereof, the Respondent No.1 is directed to hand over possession to the Petitioner within one week from today and to release its charge on the subject flat. The Learned Counsel for Respondent No.1 has handed over the Demand Draft to Mr. Vinod Sonajkar, Authorised Officer of Respondent No.1.

(b) The dispute between the Respondent No.1 – Secured Creditor and Respondent Nos. 3 and 4 (original borrowers) as regards the liability of Respondent Nos. 3 and 4 to pay further amount or as to whether excess amount has been paid shall be resolved by the DRT in the aforementioned Securitisation Application. The said Securitisation Application shall be decided expeditiously.

(c) If the Respondent No.1 – Secured Creditor claims any further amount towards interest the said issue shall also be decided by the DRT.

(d) If the DRT renders any finding while disposing of the Securitisation Application, in favour of Respondent Nos. 3 and 4 as regards excess amount paid, the question of the refund of amount and as to how it would have to be distributed among the flat owners including the Petitioner shall also be decided by the DRT.

8. Writ Petition stands disposed of in above manner.
9. Pending Applications, if any, also stand disposed of.

**(SHREERAM V. SHIRSAT, J.)**

**(MANISH PITALE, J.)**