

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

WRIT PETITION NO. 8800 OF 2025

Yogesh Ashok Patil & Anr. ... Petitioners
Versus
Cholamandlam Investment and
Finance Co. Ltd. ... Respondent

Ms. Pratibha J. Gavhane i/by Adv. Shrivallabh S. Panchpor for the
Petitioners.

Mr. Alok D. Mishra for Respondent.

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

DATE : 16th JANUARY 2026

P.C. :

. This petition has been circulated at the behest of the
respondent-Finance Company.

2. The learned counsel for the respondent submits that despite
availability of alternative remedy of approaching the Debt
Recovery Appellate Tribunal (DRAT), the petitioners directly filed
the present writ petition.

3. On 1st July 2025, a Division Bench of this Court (Coram:
M.S. Karnik and N.R. Borkar, JJ.) passed an order, recording a
specific statement made on behalf of the petitioners that they were
willing to pay the entire dues and that there was a buyer ready to
the pay more than the recoverable dues. In that light, despite
taking note of the fact that an alternative remedy existed, this
Court issued notice with a further ad-interim direction not to
dispossess the petitioners from the secured assets. It was further

recorded in the order that according to the petitioners, the State Bank of India was willing to sanction a loan amount, which would enable the petitioners to clear the outstanding dues.

4. As often happens in this Court, the petition listed on further dates could not reach for hearing and it was simply adjourned with the ad-interim order continuing.

5. It is brought to our notice that, till date, the petitioners have not paid the recoverable dues. There is no buyer brought forward as indicated when the order dated 1st July 2025 was passed and there is no reference to any loan amount being sanctioned by the State Bank of India. The said factual position could not be disputed on behalf of the petitioners.

6. We gathered an impression that the petitioners deliberately gave a false impression to this Court about being able to arrange for amounts towards outstanding dues at the earliest and on such a false impression, this Court granted limited ad-interim relief, which has continued to operate for the past more than 7 months.

7. For the aforesaid conduct of the petitioners, we do not wish to entertain the present petition.

8. The writ petition is dismissed. The interim order stands vacated.

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

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)