

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**WRIT PETITION NO. 10011 OF 2025**

M/S. Shekhar Champalal Pagaria Thru. .. Petitioners  
Prop. and Ors

V/S.

CFM Assets Reconstruction Pvt Ltd and .. Respondents  
Ors

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Ms. Ayodhya Patki, for Petitioners.

Mr. Nikhil Rajani a/w Ajay Deshmane i/by V. Deshpande and Co., for  
Respondent No.1-Bank.

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

**DATE : 18TH APRIL 2026.**

**PC:**

1. During the course of the arguments, it transpired that the principal contention raised on behalf of the petitioners (original borrowers) is that while the borrowers were served and represented by Advocate in Miscellaneous Appeal No. 81 of 2023 before the Debt Recovery Appellate Tribunal, Mumbai (DRAT), they were not served with notice in connected Miscellaneous Appeal Nos. 160 of 2024 and 161 of 2024.

2. On this short ground, the petitioners claim that the impugned order passed by the DRAT deserves to be set aside and the appeals ought to be heard afresh before the DRAT.

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3. It is to be noted that DRAT by the impugned common order dated 19/09/2024 had set aside an order dated 22/02/2023 passed by the Debts Recovery Tribunal, Pune (DRT) on the ground that the order of the DRAT was a non-speaking order and thereupon the DRAT remanded the matter for a fresh consideration before the DRT.

4. The contents of Paragraph 6 of the impugned order show that the DRAT was conscious of the fact that some of the respondents in Miscellaneous Appeal Nos. 160 of 2024 and 161 of 2024 were not served, but it dispensed with the service of notice on those respondents as they were already served in the connected Miscellaneous Appeal No. 81 of 2023 wherein they were represented by Advocate.

5. Learned counsel appearing for respondent No.1 (secured creditor) submits that even if formal notice may not have been issued and served upon the respondents in Miscellaneous Appeals Nos. 160 of 2024 and 161 of 2024, an opportunity could be granted to respondent No.1 to file a short affidavit along with documents to show as to in what manner all the respondents including borrowers i.e. petitioners herein were put to notice about the said Miscellaneous Appeal Nos. 160 of 2024 and 161 of 2024.

6. During the course of hearing, this Court had put a specific query to the learned counsel appearing for respondent No.1 as regards the outstanding amount due from the petitioners as of today. It is submitted that the said figure can also be placed on record in the aforementioned affidavit proposed to be filed on behalf of the said respondents.

7. In view of the above, respondent No.1 is granted time of one week to file an affidavit along with documents as indicated hereinabove.
8. Needless to say, the copies of the affidavit shall be served in advance to learned counsel for the petitioners and the learned counsel representing respondent No.5.
9. List for further consideration on 5<sup>th</sup> May 2026 in the supplementary list.
10. Interim order shall continue to operate till then.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)