

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 597 OF 2025

M/s. Airavat Industries & Anr.

.. Appellants

Versus

Board of Directors,
Bank of Maharashtra & Ors.

.. Respondents

.....

- Mr. Mathews Nedumpara a/w Ms. Hemali Kurne & Mr. Dayanand H. (not readable), Advocates for Appellants

.....

CORAM : MILIND N. JADHAV, J.

DATE : MARCH 05, 2026

P. C.:

1. Heard Mr. Nedumpara, learned Advocate for Appellants.
2. One of the grievance expressed by Mr. Nedumpara is that there is exigency in the matter since the auction of the subject property is slated on 17.03.2026. He would submit that Appellants are relying upon the Notification dated 29.05.2015 issued by MSME as not having been implemented and followed by the concerned Bank in the case of Appellant Industry which is registered under the MSME Act.
3. Impugned order dated 14.10.2025 is appended at Exh. "A", page No. 11 of AO. Though urgency and exigency is expressed by Mr. Nedumpara, *prima facie*, reading of the impugned order shows that Appellants have not been able to show any urgency to the learned Trial Court. Appellants before me are however aggrieved with the

Possession Notices appended at Exh. "H" & "I", page No. 126-128 of the AO received subsequently wherein it is stated that symbolic possession of the subject property has already been taken and certain directions are issued to the borrower restraining him and cautioning him from not dealing with the property. Grievance of Appellants before me is that pursuant to these Possession Notices, there is likelihood and apprehension that physical possession will be taken.

4. Mr. Nedumpara places on record subsequent orders passed by the Addl. Chief Judicial Magistrate, Raigad-Alibag and Chief Judicial Magistrate, Satara whereby further directions are now given for appointment of Court Commissioner and for taking physical possession in accordance with law. These orders are not part of the AO. Mr. Nedumpara seeks leave of the Court to amend the AO to that extent in order to place on record the twin orders. Leave to amend the AO to that extent is granted. Amendment is permitted to be carried out within a period of one week from today. Reverification stands dispensed with.

5. In view of the above, issue notice to the Respondents made returnable on 16.03.2026. Humdast permitted. In addition to Court's notice, Appellants are directed to serve copy of the AO along with copy of this order on the Respondents and inform them about the next date of hearing by any permissible mode of service and file

appropriate affidavit of service with tangible proof thereof on or before the next date.

6. Considering the request made by Mr. Nedumpara, list the matter on **16th March, 2026** before the alternate Bench since this Court is on leave on that date.

Amberkar

[MILIND N. JADHAV, J.]

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