

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.8993 OF 2025
IN
WRIT PETITION NO.14179 OF 2017

Vijaykumar N. Brahmnia and another ... Applicants

In the matter between:

Judy Michael ... Petitioner

Vs.

Standard Chartered Bank and others ... Respondents

Mr. Charles D'souza with Mr. Subhash Bane and Mr. Avneet Nagpal for Petitioner.

Mr. Yogesh P. Rane for Applicants.

Mr. R. L. Motwani (through VC) for Respondent - Standard Chartered Bank.

**CORAM : MANISH PITALE &
SHREERAM V. SHIRSAT, JJ.**
DATE : JANUARY 29, 2026

P.C. :

. By this application, the applicants (original respondent Nos.4 and 5) i.e. the auction purchasers have approached this Court, seeking recall / modification of the observation contained in paragraph 8 of the order dated 07.06.2022 passed by this Court while disposing of Writ Petition No.14179 of 2017. The aforesaid writ petition arose out of an order passed by the Debts Recovery Appellate Tribunal (DRAT), whereby an appeal filed by the original petitioner was dismissed and order passed by the Debts Recovery Tribunal (DRT), rejecting an application for condonation of delay and consequently disposing of securitization application at lodging stage itself on the point of limitation, was confirmed.

2. In the said order passed by this Court on 07.06.2022, a finding

was rendered that the DRT should have condoned the delay and that the matter should have been considered on merits. Accordingly, the writ petition stood disposed of with a direction to the DRT to hear the matter *de novo*, specifically observing that this Court had not considered the merits of the matter. In paragraph 8 of the said order dated 07.06.2022 passed in Writ Petition No.14179 of 2017, the statement made earlier on behalf of the applicants (original respondent Nos.4 and 5) was continued till the DRT disposed of the securitization application on merits. The applicants had stated that they would not create third party rights in the subject property.

3. An attempt was sought to be made on behalf of the applicants as well as the original respondent No.1 Bank to claim that the issue of condonation of delay could still be left open as the matter was directed to be decided *de novo* by DRT. In this context, on behalf of the original petitioner, attention of this Court was invited to the order dated 02.12.2022 passed by the DRAT after the aforesaid writ petition was disposed of by this Court. The said order dated 02.12.2022 reads as follows:-

‘ The Appeal was disposed of by this Tribunal vide order dated 11.12.2017. Writ Petition No.14179 / 2017 was filed and the same was allowed condoning the delay and directing the D.R.T.-III, Mumbai to hear the matter on merits and pass an order in accordance with law.

Accordingly, this Appeal is disposed of and D.R.T.-III, Mumbai is directed to be disposed of the S.A. as directed by the Hon’ble High Court Judicature at Bombay.”

4. It is an admitted position that the said order was never challenged and it is in this backdrop that the securitization application of the original petitioner is pending before the DRT.

5. The grievance of the applicants is that, despite the order of this Court dated 07.06.2022, directing the DRT to decide the matter *de novo*,

for more than three years, the securitization application has remained pending and the original petitioner took no interest in pursuing the same. It is submitted that the next date of hearing before the DRT is now 17.03.2026. There is no hope of the securitization application being decided expeditiously and therefore, in such circumstances, this Court may consider relieving the applicants of the statement made before this Court or at least permitting the applicants to deal with the subject property by giving it out on leave and licence. It is emphasized that the said respondents had invested in the said property as it was an additional property bought by them for the said purpose.

6. Learned counsel for the original petitioner submits that after the order dated 07.06.2022 passed by this Court in Writ Petition No.14179 of 2017, the securitization application has indeed remained pending. But, the petitioner cannot be blamed for any delay in the matter. It was contended that the record pertaining to the securitization application went missing and it was because of the efforts of the petitioner that it was reconstructed and therefore, this Court may not draw any adverse inference against the original petitioner. It is submitted that the petitioner is also interested in early disposal of the securitization application for which purpose the petitioner undertakes to co-operate with the DRT.

7. The learned counsel for the original petitioner, on instructions, makes a statement that a copy of the reconstructed securitization application shall be made available to the applicants within three days from today.

8. Having considered the aforesaid material brought to our notice, we find that the plight of the applicants (original respondent Nos.4 and 5) can be addressed by issuing appropriate directions to the DRT to dispose of the pending securitization application as expeditiously as possible. It would not be appropriate to either recall or modify the

observations made in paragraph 8 of the order dated 07.06.2022 passed by this Court in Writ Petition No.14179 of 2017.

9. In view of the above, this application is disposed of by issuing the following directions:-

- (I) DRT-II shall take up Securitization Application (D) No.76 of 2026 for consideration and disposal on merits at the earliest;
- (II) DRT-II shall fix dates for hearing of the said Securitization Application in the month of February 2026, to make an endeavor to consider the same on merits and dispose of the same at the earliest;
- (III) In any case, DRT-II shall dispose of the said securitization application on or before 17.03.2026;
- (IV) It is made clear that in the event the securitization application is filed by the original petitioner is dismissed, the applicants i.e. original respondent Nos.4 and 5 in Writ Petition No.14179 of 2017 shall stand relieved forthwith of the statement made before this Court;

10. The application stands disposed of in the above terms.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)