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

WRIT PETITION NO. 2139 OF 2026

Pawan Mirani & Ors

....Petitioners

V/S

State Of Maharashtra And Ors.

...Respondents

Adv. Minal Chandnani for the Petitioners.

Shri. O. A. Chandurkar Addl. GP a/w Smt. G. R. Raghuvanshi AGP for the
Respondent-State

Mr. Nikhil Rajani i/b. M/s. V. Deshpande & Co. for the Respondent No.2

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

DATE: 17th FEBRUARY 2026

P.C.

1. The Petitioners have approached this Court in the context of pending Securitization Application and an Interlocutory Application filed therein before the Debts Recovery Tribunal-3, Mumbai (DRT-3). The grievance of the Petitioners appears to be that physical possession of their property is taken and that it is sealed by the Respondent No. 3-bank (Secured Creditor) and that the Petitioners are deprived of enjoyment of their property.

2. In that light, the aforesaid Interlocutory Application for restoration of possession has been filed in the pending Securitization Application

before the DRT. It appears that despite the directions issued by the Debt Recovery Appellate Tribunal, Mumbai (DRAT), the proceedings before the DRT have not reached a stage where the Interlocutory Application could be decided.

3. The grievance of the Petitioners is limited to the delay in orders on the Interlocutory Application and continuous deprivation of enjoyment of property of the Petitioners.

4. We are of the opinion that for such situations knocking the door of the Writ Court may not lead to any lasting solution. We also find that on 19/09/2024, DRAT passed an order on an Application seeking expeditious hearing of proceedings by the DRT. The said order of the DRT reads as follows:

“ The applicant has filed this application for expeditious hearing in I.A. No. 91/2024 in Securitization Application No. 508/2023 on the files of Debts Recovery Tribunal-III, Mumbai (D.R.T). The application appears to be for an interlocutory relief to restore possession of the secured assets which have already been taken possession of by the secured creditor.

The sale was deferred by the DRT on the applicant depositing some amount. It is an S.A. of the year 2023 and pleadings are yet to be completed. Hence, the pleadings shall be completed expeditiously. The I.A. No. 91/2024 cannot be considered independently, and needs to be considered along with the S.A. and therefore, the D.R.T is directed to consider the S.A. itself on its merits as expeditiously as possible.

M.A. is disposed of.”

5. In the face of the aforesaid order already passed by the DRAT, we are not inclined to entertain the Petition.

6. We are further informed that pleadings in IA/91/2024 filed in Securitization Application No. 508 of 2023, pending before the DRT are complete and that the said Application can be taken up for hearing and orders by the DRT. We are further informed that due to non-availability of Presiding Officer at DRT-3, the Presiding Officer of DRT-1 Mumbai is in-charge. This obviously shows the extremely high workload on the Presiding Officer of DRT-1 Mumbai. Being conscious of the said workload, we do not wish to impose any unreasonable time limit on DRT-1 to decide the Interlocutory Application filed by the Petitioners.

7. Nonetheless, since the pleadings in the interlocutory application are complete, it would be appropriate to issue necessary directions to DRT for making an endeavour to decide the Interlocutory Application at the earliest.

8. In view of the above, the Petition is disposed of by directing DRT-1 Mumbai (in-charge of DRT-3) to take up IA/91/2024 filed in Securitization Application No. 508 of 2023 for consideration and expeditious disposal. An

endeavour shall be made by the said DRT to hear and dispose of the said application on or before 31/03/2026.

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

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)