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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2217 OF 2026

Manilal H Limbani

...Petitioner

Versus

Canara Bank And Ors

...Respondents

Adv. Manoj Harit a/w. Adv. Niket Harit & Adv. Harshit Kumar i/b. Adv. Manoj Harit & Co for the Petitioner.

Mr. O. A. Das for the Respondent Nos. 1 and 2

Smt. M. S. Bane, APP for the Respondent-State.

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

DATE: 18th FEBRUARY 2026

P.C.

1. Heard learned Counsel for the Petitioner.
2. The Petitioner is one of the Directors of the original borrower, who has defaulted in re-payment of amount to the Respondent No. 1-bank, which is a secured creditor.
3. The Petitioner and all other affected parties admittedly have already initiated proceedings in accordance with law under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act), by filing appropriate Applications before the Debts Recovery Tribunal (DRT). The said proceedings are admittedly pending.

4. One of the main grounds on which the present Writ Petition is filed is that the Respondent No. 1-bank (secured creditor) could not have obtained an order u/s. 14 of the SARFAESI Act from the competent Magistrate during the currency of a moratorium u/s. 96 of the Insolvency and Bankruptcy Code, 2016 (IBC).

5. It is asserted that it was the Respondent No. 1-bank itself, which had filed proceedings u/s. 95 of the IBC, triggering the moratorium and therefore the act on the part of Respondent No. 1-bank of approaching the Magistrate and obtaining an order u/s. 14 of the SARFAESI Act was non-est. The threat to physical possession of the property of the Petitioner being taken on the strength of such an order ought to be interdicted by this Court in writ jurisdiction.

6. The learned Counsel for Respondent No. 1-bank is present in Court and he has tendered an affidavit-in-reply alongwith documents. The same is taken on record.

7. Exhibit-G to the reply affidavit is an order dated 12/09/2025, recording that on an affidavit for withdrawal filed by the Respondent No. 1-bank, the proceedings u/s. 95 of the IBC were dismissed as withdrawn on 12/09/2025. Hence, there is no moratorium in existence as on today. Therefore, we are not inclined to entertain the Writ Petition.

8. The learned Counsel of the Petitioner submits that an important question arises, for the reason that at the point in time when the

Respondent No. 1-bank moved the competent Magistrate u/s. 14 of the SARFAESI Act, the moratorium was operating and therefore the threat to physical possession as on today is completely without any authority of law.

9. The contentions raised on behalf of the Petitioner knocking the doors of the writ Court have to be appreciated in the proper perspective and after taking note of the totality of circumstances.

10. It is an admitted position that in the present case the Petitioner and the original borrower are facing Proceedings under the SARFAESI Act for considerable period of time. They have already invoked jurisdiction of the DRT in the year 2024 and their Applications including prayers for interim relief are pending before the DRT.

11. In such circumstances, when the Petitioner has already invoked the statutory remedy, this Court finds no reason to entertain the Writ Petition. The Writ Petition is dismissed.

12. Needless to say the Petitioner is at liberty to approach the DRT in the pending proceedings for appropriate orders.

13. The DRT is expected to expeditiously take up such proceedings for consideration and appropriate orders.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)