

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2646 OF 2026

HDFC Bank Ltd. Thr. Poa Rashmi Koli .. Petitioner
V/s.

Mistari Rajendra Santosh and Ors .. Respondents

WITH

WRIT PETITION NO. 2647 OF 2026

HDFC Bank Ltd. Thr. Poa Rashmi Koli .. Petitioner
V/s.

Mahajan Manish Motilal and Ors .. Respondents

Mr. Vishal Tambat, for the Petitioner in both the Petitions.

Ms. P. M. J. Deshpande, AGP for Respondent Nos. 3 & 4 in WP/2646/2026.

Ms. Tanu N. Bhatia, AGP for Respondent Nos. 3 & 4 in WP/2647/2026.

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

DATE : 4TH MARCH 2026.

PC:

1. In both these petitions, the petitioner bank is aggrieved by orders passed by the respondent Magistrate under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act).

2. The applications under Section 14 of the SARFAESI Act have been dismissed by the Magistrate. It is the case of the petitioner bank that as per settled law, the Magistrate, while considering application under Section 14 of the SARFAESI Act, performs a ministerial act and that therefore, the impugned orders deserve to be set aside only on the said ground.

3. But, we find that an interesting question arises for consideration in both these petitions. It is an admitted position that the petitioner bank has proceeded against the respondent private parties for recovery of credit card dues. It is contended that since the private parties in both these petitions had also taken a facility of loan from the petitioner bank, as per relevant Reserve Bank of India (RBI) Master Circular dated 01/10/2021, particularly Clause 4.2.7 thereof, the petitioner bank is entitled to proceed under the provisions of the SARFAESI Act for recovery of credit card dues by proceeding against the respondent private parties in respect of the properties that were mortgaged for the other facility of loan.

4. We intend to consider the said question and since the petitioner bank specifically relies upon Master Circular issued by the RBI, it would be appropriate that RBI is added as a party respondent in the present petition.

5. In view of the above, the petitioner is directed to add RBI as a party respondent in both the petitions. The amendment be carried out within one week from today.

6. Issue notice in both the petitions returnable on 2nd April 2026, 'High on Board.' Learned AGPs waive notice on behalf of Respondent Nos. 3 and 4 in both the petitions.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)