

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2828 OF 2026

Atharva Landmark CHSL through its Secretary
Kailashnath Dhaniram Yadav ... Petitioner
Vs.
Khush Housing Finance Limited and another ... Respondents

Mr. Vishal Kanade a/w. Mr. Akshit Kothari i/b. Mr. Jay Rajpopat for Petitioner.
Mr. Rishabh Shah a/w. Mr. B. K. Barve and Mr. Sandeep Barve i/b. B. K. Barve
& Co. for Respondent No.1.
Mr. Kalpesh Dedhia, CFO of Respondent No.1.

**CORAM : MANISH PITALE &
SHREERAM V. SHIRSAT, JJ.**
DATE : MARCH 07, 2026

P.C. :

1. Mr. Kanade, learned counsel for the petitioner, on instructions, seeks permission to withdraw this petition in order to avail of the alternative remedy of filing an appeal before the Debts Recovery Appellate Tribunal, Mumbai (DRAT). It is submitted that since the date for taking possession is 21.03.2026, this Court may consider issuing an appropriate direction.

2. The petition is disposed of as withdrawn with liberty to the petitioner to avail of the alternative remedy of approaching the DRAT.

3. If the petitioner approaches the DRAT immediately, it is expected that the DRAT would consider the prayer for interim relief expeditiously.

4. We have not expressed any opinion on the merits of the matter.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)