

Sayali

SAYALI
DEEPAK
UPASANI

Digitally signed
by SAYALI
DEEPAK
UPASANI
Date: 2026.02.27
17:51:17 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2854 OF 2026

IDFC First Bank Ltd and Others ... Petitioners
V/s.
Vinod Dhaku Ghudekar and Others ... Respondents

Mr. Nikhil Rajani i/b M/s. V. Deshpande, for
Petitioners.

Mr. Y. D. Patil, AGP for State-Respondent No. 5.

Mr. Sonu Randive, for Respondent no. 3.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 27, 2026

P.C.:

1. The challenge in this petition arises out of the order dated 20th September, 2025, passed by the Additional Chief Judicial Magistrate in the exercise of power under Rule 107(d-1)(vi) of MCS Rules.

2. The petitioners claim to be prior mortgagees and therefore, according to me, the order could not have been passed without giving an opportunity to the petitioner. However, this Court, in the case of *Amit Prakash Jori & Anr. vs. The State of Maharashtra & Ors*, Writ Petition No.1331 of 2025 decided on 4 February

2025, has already held that the exercise of power under Rule 107(d-1)(vi) of MCS Rules is essentially executory order and the exercise of power by the Judicial Magistrate is ministerial. He does not have the discretion to pass such an order; therefore, the petition need not be entertained.

3. Hence, the petition cannot be entertained; however, it shall be open to the petitioner to adopt any appropriate remedy available in the law.

4. The writ petition stands dismissed.

(AMIT BORKAR, J.)