

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3568 OF 2026

Axis Bank Ltd .. Petitioner

V/S.

The Registrar NCLT Mumbai and Ors .. Respondents

Mr. Charls Desouza, a/w Mr. Alok Mishra and Ms. Anjali Nair, for the
Petitioner.

Ms. Pooja Patil, AGP for the Respondent/State.

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

DATE : 29TH APRIL 2026.

PC:

1. In the light of the order dated 21/04/2026, the petition has been amended and the Senior Police Inspector of Khar Police Station is added as Respondent No. 3 and the Advocate Commissioner has been added as Respondent No. 4.

2. This is a case of trespass by the borrowers of the secured asset after the petitioner (secured creditor) had taken possession of the secured asset. The documents on record show that in that context on 05/02/2026, FIR No. 0163 of 2026 was registered at the behest of the petitioner at Police Station, Khar, Mumbai, stating that the trespass had taken place between 02/02/2026 and 04/02/2026.

3. We find that despite the FIR being registered, the petitioner continues to be deprived of possession of the secured asset.

4. In this backdrop, the learned counsel for the petitioner bank is

pressing for appropriate directions for physical possession of the secured asset being handed over to the petitioner.

5. We direct the Respondent No. 4 Advocate Commissioner to take physical possession of the secured asset on 8th May 2026. The Respondent No. 3 Senior Police Inspector, Khar Police Station, Mumbai, shall provide appropriate police assistance, including lady constables to assist the Respondent No. 4 Advocate Commissioner to execute the aforesaid direction issued by this Court. The police shall use necessary, appropriate and reasonable force for taking physical possession and hand it over to the petitioner bank.

6. In the event, the aforesaid direction is not executed Respondent No. 3-Senior Police Inspector, Khar Police Station, Mumbai, shall remain personally present in this Court on the next date of listing.

7. List under the caption “For Compliance” on 10th June 2026.

8. Additionally, we direct that the petitioner bank, at its own expense, shall videograph the entire exercise of taking possession for future reference, if required.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)