

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO.4258 OF 2026

Santoshi Bhausaheb Patil ... Petitioner  
**Vs.**  
Bank of Maharashtra and others ... Respondents

Mr. Tukaram Shendge for Petitioner.

Ms. Payal Vishwakarma i/b. Mr. Ashish Gupta for Respondent No.1.

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

**DATE : APRIL 21, 2026**

**P.C. :**

1. On 06.04.2026, this Court had shown indulgence to the petitioner and granted limited ad-interim direction restraining taking over of physical possession of the subject property (secured asset) till today i.e. returnable date, subject to the petitioner depositing amount of Rs.25 lakhs in this Court on or before 18.04.2026.

2. This Court took note of the fact that such writ petitions ought not to be entertained in the face of statutory alternative remedy available to the petitioners to approach Debt Recovery Tribunal. But, indulgence was shown due to the reasons recorded in paragraph 5 of the order dated 06.04.2026.

3. It is an admitted position that the petitioner has failed to abide by the direction issued by this Court of depositing an amount of Rs.25 lakhs on or before 18.04.2026. The interim direction was subject to such deposit being made.

4. We find that the petitioner, having failed to abide by the direction

of this Court, has forfeited any further right of indulgence being shown by this Writ Court. In any case, as noted in the order dated 06.04.2026, the Supreme Court has repeatedly held that such writ petitions ought not be entertained. These judgements, include judgements in the cases of *United Bank of India Vs. Satyawati Tondon and others*, **(2010) 8 SCC 110** and *Celir LLP Vs. Bafna Motors (Mumbai) Private Limited and others*, **(2024) 2 SCC 1**. In the said recent judgement, the Supreme Court in paragraph 101, was constrained to observe as follows:-

“101. More than a decade back, this Court had expressed serious concern despite its repeated pronouncements in regard to the High Courts ignoring the availability of statutory remedies under the RDBFI Act and the SARFAESI Act and exercise of jurisdiction under Article 226 of the Constitution. Even after, the decision of this Court in *Satyawati Tondon [United Bank of India v. Satyawati Tondon, (2010) 8 SCC 110 : (2010) 3 SCC (Civ) 260]*, it appears that the High Courts have continued to exercise its writ jurisdiction under Article 226 ignoring the statutory remedies under the RDBFI Act and the SARFAESI Act.”

6. In view of the said position of law and the conduct of the petitioner, despite indulgence being shown by this Court, we do not find any reason to further entertain this writ petition.

7. Accordingly, the writ petition is dismissed. The interim order stands vacated.

8. Needless to say, this order will not come in the way of the petitioner taking recourse to the statutory remedy of approaching the Debt Recovery Tribunal under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

**(SHREERAM V. SHIRSAT, J.)**

**(MANISH PITALE, J.)**