

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4343 OF 2026

Khush Housing Finance Private Ltd .. Petitioner
Throu. Deepak S Ambadaskar

V/s.

The State Of Maharashtra Throu. .. Respondents
Govt Pleader And Ors

Mr. Rishabh Shah with Sanjay Anabhuwane i/by Medha Rane, for
Petitioner.

Mr. O.A. Chandurkar, Addl. G.P with Ms. G.R. Raghuwanshi, AGP, for
State/Respondent No.1.

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

DATE : 16TH APRIL 2026.

PC:

1. In this Petition on 7/04/2026, this Court had passed the
following order:

*" The learned counsel for the petitioner-financial
institution (secured creditor) submits that during the
pendency of this petition, with the assistance of the
Police and the concerned Authorities, possession of one
of the secured assets i.e. Office No.101, was taken. Table
showing the details of all the secured assets is given at
paragraph 4.4 of the writ petition. It is submitted that as
regards the secured assets at serial Nos.3, 4 and 5, there
is an interim stay granted by the Debts Recovery
Appellate Tribunal (DRAT) and in that light, the
petitioner prays for appropriate directions to the*

respondent-Authorities to provide effective assistance for taking physical possession of secured assets at serial Nos.2 and 6 to 23. It appears that the said properties are located in one building. Considering the extent of properties forming part of the secured assets and the necessity of providing assistance by the Authorities, it would be appropriate that the learned AGP appearing on behalf of all the respondents-State Authorities takes specific instructions in the matter, so that effective orders can be passed on the next date of hearing.

2. Mrs. Raghuwanshi, learned AGP appears on behalf of all respondents/State Authorities.

3. List under the same category of 'fresh matters', on 16th April 2026".

2. Ms. Raghuwanshi, learned AGP submits that in the light of the directions given in the above-quoted order, an officer of the State has visited the concerned building and a site inspection report can be placed on record.

3. Respondent No.4-Senior Inspector of Police, Dindoshi Police Station, Mumbai is directed to file a reply affidavit along with a copy of the site inspection report and any other relevant documents within one week from today.

4. In this Petition intervention application has been filed.

5. The applicants in the intervention application relied upon an order passed by this Court in Writ Petition No. 3815 of 2026 dated 25/03/2026.

6. The applicants were the petitioners in the said Writ Petition and they are concerned with three units within the aforementioned building, in the context of which the Petitioner (secured creditor) is seeking positive directions from this Court for taking physical

possession of such units.

7. This Court had entertained the Writ Petition filed by the intervention applicants on the limited ground of non-availability of the Debts Recovery Appellate Tribunal (DRAT) at the relevant time. There was urgency in the matter for the reason that physical possession of the units, with which the applicants-intervenors are concerned, was to be taken on 28/03/2026.

8. In that backdrop, this Court issued the following directions in the order dated 25/03/2026 passed in Writ Petition No. 3815 of 2026.

"8. We are of the opinion that the proposed physical possession of the secured assets being taken on 28th March 2026 and DRAT, Mumbai not being available till 27th March 2026, indeed creates a crunch of time for the Petitioners to seek ad-interim/interim relief in their Appeals filed before the DRAT, Mumbai. Only on the said ground of non availability of DRAT, Mumbai till 27th March 2026 we are inclined to consider the present Writ Petition and dispose it of by issuing appropriate directions. We have not heard rival parties on the merits of their respective claims, for the reason that it is for the DRAT to consider the rival submissions while testing the claim of the Petitioners about their entitlement for ad-interim/ interim relief.

9. But, if limited protection is not granted, the notice dated 9th March 2026 issued by the two Court Commissioners will culminate in physical possession being taken on 28th March 2026, which would render infructuous the prayer for ad-interim/interim relief being pursued on behalf of the Petitioners before the DRAT, Mumbai.

10. On this limited ground, the Writ Petition is disposed of by directing that the action of taking physical possession of the secured asset shall stand deferred till 2nd April 2026. No fresh notice need be issued in that regard. We make it clear that this Court has not expressed any opinion on the merits of the matter and it is only due to non availability of the DRAT, Mumbai that we are constrained to

issue the aforesaid direction.

11. The DRAT, Mumbai shall take up the Appeals filed by the Petitioners for consideration on 30th March 2026 and after hearing the parties pass appropriate orders on the prayer for ad-interim/interim relief being made on behalf of the Petitioners.

12. It is further made clear that in the event the DRAT, Mumbai is for some reason not available even on 30th March 2026, the Petitioners shall take appropriate steps to move the in-charge DRAT, Chennai".

9. Accordingly, the DRAT took up the appeals along with interim applications filed by the intervention applicant on 30/03/2026.

10. We had expected the DRAT to pass a speaking order in the event the appeals and interim applications were to be adjourned and further heard in detail, at least on the aspect of ad-interim/interim relief being pressed by the intervention applicants.

11. A perusal of the order dated 30/03/2026 passed by the DRAT shows that it simply recorded the plea of the intervention applicants that the protection granted by this Court till 02/04/2026 was required to be continued. Thereafter, there were no observations, much less any specific direction on the said aspect of the matter and the proceedings were adjourned to 22/04/2026.

12. Perhaps for the said reason, one of the intervention applicants moved DRAT on 02/04/2026 about the necessity of extending the interim protection, when the DRAT simply observed that interim protection shall stand incorporated in the

said order dated 30/03/2026.

13. We find that neither in the order dated 30/03/2026 nor in the order dated 02/04/2026 passed by the DRAT in Miscellaneous Appeal (Diary) No. 447 of 2026 is there any discussion and reasoning for granting ad-interim / interim relief. It would have been in the fitness of things that the DRAT would have heard the parties on the said aspect of the matter and passed a speaking order.

14. Be that as it may, the proceedings are now listed before the DRAT on 22/04/2026 and hence, the DRAT is directed to take up the appeals and Interim Applications filed by the intervention applicants on the said date of listing.

15. The DRAT shall hear the parties on the prayer for ad-interim / interim relief made by the applicants and appellants therein.

16. After granting hearing to the rival parties, the DRAT shall pass a speaking order with regard to the prayer for ad-interim/interim relief made on behalf of the appellants therein who are the intervention applicants in this Writ Petition.

17. List the present Petition along with the Interim Application for further consideration on 27th April 2026 in the fresh category.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)