

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 6569 OF 2026

Mrs. Durriya S. Shahiwala and Ors. ... Petitioners

Versus

The State of Maharashtra and Ors. ... Respondents

Mr. Ashutosh Kulkarni a/w Mr. Irfan Unwala and Shaheen Kapadia, for the
Petitioners.

Mr. Nikhil Rajani i/b M/s. V. Deshpande & Co., for the Respondent No.2.

Mr. P. P. Kakade, A.G.P. a/w M. S. Srivastava, A.G.P., for the Respondent
Nos.1 and 4-State.

**CORAM : GAUTAM A. ANKHAD &
SANDESH D. PATIL, JJ.**

**DATE : 18th MAY, 2026.
(VACATION COURT)**

P.C. :

1. The matter was heard for some time during the morning session, where several queries were put forth by this Court to Mr. Nikhil Rajani, learned counsel appearing for Respondent No.2 – Bank. The matter was kept back to enable him to obtain instructions.

2. In the afternoon session, Mr. Nikhil Rajani, on instructions, makes a statement that Respondent no.2 – Bank shall not take possession of

residential flat no. 401, Wing 2B situated on 4th floor of Tulsi Darshan building, Village Mamdapur, Taluka Karjat. He further states that before taking any coercive actions against the Petitioners in respect of the said flat, Respondent no.2 – Bank shall give at least 14 days prior written notice to the Petitioners.

3. The aforesaid statement is accepted. In view thereof and considering that a remedy under Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is available to the Petitioners, this Writ Petition is disposed of with liberty to the Petitioners to file appropriate proceedings under Section 17 of the Act before the Debt Recovery Tribunal, Mumbai. Such application shall be filed within 2 weeks of this order and shall be decided on its own merits. All rights and contentions of the parties are kept open.

4. Writ Petition No.6569 of 2026 is disposed of in the above terms.

(SANDESH D. PATIL, J.)

(GAUTAM A. ANKHAD, J.)