



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

WRIT PETITION NO. 685 OF 2026

M/S Kundan Footwear, Thr. Prop. Kundanmal S. Bayad, Amravati and ors.

vs.

Hinduja Leyland Finance, Amravati

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Adv. Shamish Agrawal, Advocate with Shri Rayhaan Ahmed, Advocates for petitioners.

CORAM : ANIL S. KILOR AND RAJ D. WAKODE, JJ.

DATED : 23rd January, 2026

Heard Shri Shamish Agrawal, learned counsel for the petitioners.

2. The petitioners have approached this Court seeking directions in the nature of various prayer clauses; which include following prayers :

a) *To issue suitable writs, orders or directions or any other appropriate Writ, directing the Respondent Bank to not to take physical possession of the property as per the Letter dt. 19/01/2026 (Annexure – D) for a period of 2 weeks or till the period of Appeal or any time frame that this Hon'ble Court may deem fit and proper, in the event if IA No. 129/2026 is rejected or any adverse order is passed and such Order be kept in abeyance, enabling the petitioners to avail the remedy by filing and obtaining Order from Ld. DRAT, Chennai as Ld. DRAT Mumbai is vacant and it is impossible for the Petitioners to approach Ld. DRAT, Chennai.*

b) *To issue suitable writs, orders or directions or any other appropriate Writ, directing the Ld. DRT, Nagpur to decide SA No. 37/2025 (Annexure – A) within a period of 1 month in the interest of Natural Justice.*

c) *To stay the effect, operation and implementation of Letter dt. 19/01/2026 (Annexure – D) and rejection Order and protect the Possession of the Petitioners till the Period of Appeal / pendency of Appeal;”*

3. The contention is that the Debt Recovery Tribunal (DRT) is not deciding the Interim Application No. 129 of 2026 filed by the petitioners in S.A.No.37 of 2025 praying for stay against the Possession Letter wherein possession is scheduled on 27/01/2026 and the matter is listed today i.e.

23/01/2026 before the DRT, Nagpur.

4. Learned counsel for the petitioners submits that since the interim application is not decided so far and if the same is decided today i.e. on 23/01/2026 and in case it is rejected or any adverse order is passed, he will not have time to challenge the said Order in Appeal before DRAT Mumbai for seeking protection as there is no Presiding Officer at present at DRAT Mumbai and the charge of DRAT Mumbai is with DRAT Chennai. Hence, the learned counsel submits that there is no time to approach DRAT Chennai challenging the aforesaid order as the letter dated 19/01/2026 at Annexure-D (record page 38,39) issued by the respondent states that they will be taking possession on 27/01/2026.

5. In view of above, issue notice to the respondents returnable on 27/02/2026.

6. In the meantime, the Debt Recovery Tribunal, Nagpur is directed to decide the Interim Application No. 129 of 2026 within two weeks from the date of production of the order of this Court. If the aforesaid Interim Application is rejected or any adverse order is passed, such order be kept in abeyance for the period of 2 weeks thereafter to enable the petitioners to approach the Learned Debt Recovery Appellate Tribunal, Mumbai / Chennai to seek appropriate reliefs.

7. The respondent is also directed not to take physical possession of the property as mentioned in the Letter dated 19/01/2026 (Annexure-D) until further orders.

8. Authenticated copy of this order be supplied to the counsel for the petitioner.

(Raj D. Wakode, J.)

(Anil S. Kilor, J.)