



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

WRIT PETITION NO.828 OF 2026

**[Roshni W/o Ravi Chhabariya and Another ..Vs.. Punjab National
Bank and Others]**

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

Court's or Judge's order

Shri. Shamish Agrawal, Advocate for Petitioners.

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

DATE : 29th 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 Pursis dated 27/01/2026 (Annexure – F) 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.145/2026 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.31/2026 (Annexure – D) within a period of 1 month in the interest of Natural Justice.

c) To issue suitable writs, orders or directions or any other appropriate Writ, directing the Respondent No.1 Bank not to take Physical Possession of the Petitioners till the period of Appeal/pendency of Appeal as informed by Ld. Counsel for the Respondent Bank in Ld. DRT, Nagpur;"

3. The contention is that the Debt Recovery Tribunal (DRT) is not deciding the Interim Application No.145 of 2026 filed by the petitioners in SA No.31 of 2026 praying for stay against the Possession. The Bank informed the petitioners in learned Debt Recovery Tribunal on 27.01.2026 that the possession will be taken on 30.01.2026 and hence, the matter is listed today i.e. 29.01.2026 before the Debt Recovery Tribunal, 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 29.01.2026 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 Pursis dated 27.01.2026 at Annexure-F (record page No. 70) filed by the respondent's counsel states that they will be taking possession on 30.01.2026.

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.145 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 No.1 is also directed not to take physical possession of the property in question until further orders.

8. This Court is every day receiving various writ petitions alleging that the present Presiding Officer of the Debt Recovery Tribunal, Nagpur, is not deciding the main applications or prayer for interim relief moved by the debtors. Such conduct of the Presiding Officer is making the borrowers suffer thereby prompting them to approach not only this Court, but also the Debts Recovery Appellate Tribunal.

9. We are experiencing day in day out that because of the failure of the Presiding Officer in timely deciding the interim applications, there is rise in number of litigation before this Court questioning such inaction on the part of Presiding Officer viz. not deciding the applications.

10. It is brought to our notice that because of the applications being not decided by the Presiding Officer, Debt Recovery Tribunal, Nagpur, the proceedings, which are initiated by the borrowers, are made to remain pending and subsequently they become infructuous as the borrowers are losing possession of the property. Because of such situation, this Court was required to pass interim orders protecting the possession of the borrowers in various writ petitions, viz. Writ Petition Nos.5751 of 2025, 135 of 2026, 261 of 2026 and 734 of 2025, to name a few. The borrowers in the aforesaid writ petitions were required to move this Court in urgent manner to seek interim protection of possession of their properties solely because their interim applications were not decided by the learned Debt Recovery Tribunal, Nagpur.

11. In view of the above, we direct the Registrar (Judicial) of this Court to call for a report from the Presiding Officer, Debts Recovery Tribunal, Nagpur, pertaining to the pendency of interim applications in securitization applications and the reasons for not deciding the same within a reasonable time. The compliance report shall be submitted within a period of one week from today.

12. Authenticated copy of this order be supplied to the counsel for the petitioners.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)