



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

WRIT PETITION NO. 1695 of 2026

Sudhir Purushottam Chopde and anr.

vs.

ICICI Home Finance Company Ltd. Through its Authorized Officer and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. R. N. Badhe, Advocate for petitioners.

Mr. Azmat I. Shah, Advocate for respondent no.1-ICICI Finance Co.

CORAM :- ANIL S. KILOR and RAJ D. WAKODE, JJ.

DATE :- 23rd FEBRUARY, 2026.

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In the morning this matter was requested to take-up at 2.30 p.m. in view of the urgency; namely, the petitioners are claiming to be owners of the land in question which, according to the petitioners, the respondent no.2 fraudulently mortgaged the same behind back of the petitioners with the respondent no.1-ICICI Home Finance Company by claiming that the property belongs to him.

2. It is argued that some proceedings are filed before the Debts Recovery Tribunal-Respondent no.3 after getting the knowledge of such fraud. Even the police complaint was also made. It is submitted that today the said proceedings are listed before the Debts Recovery Tribunal for hearing. However, tomorrow is the date fixed by the respondent no.1 to take possession of the land in question.

3. Since the issue pertains to ownership, which involves disputed questions of fact, this Court cannot adjudicate the same in exercise of its writ jurisdiction. However, the ends of justice would be met by granting protection to the petitioners for a period of one week to enable them either to get matter decided before the Debts Recovery Tribunal or to file a civil suit for suitable reliefs.

4. The learned counsel for the respondent no.1 strongly opposed the present petition and submits that no such protection be granted to the petitioners.

5. However, considering the case of the petitioners, we are of the opinion that such protection needs to be granted. Accordingly, we dispose of the writ petition. The respondent no.1 is directed not to act upon the notice of possession issued to the respondent no.2 and it shall not take possession of the land in question for a period of one week from today.

6. In the meantime, a liberty is granted to the petitioners to take appropriate steps by filing appropriate proceedings before the appropriate forum, if they so desire.

7. Needless to clarify that after expiry of one week period from today, the protection granted in favour of the petitioners shall stand automatically vacated.

8. An authenticated copy of this order be furnished to the parties to act upon.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)

Andurkar.