



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

WRIT PETITION NO.1698 OF 2026

Mahesh S/o Atmaram Gambani, Ganesh Nagar, Gondia and anr.

vs.

Punjab National Bank, Nagpur and anr.

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 February, 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 Intimation dated 13/02/2026 (Annexure – H) for a period of 3 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. 305/2026 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, Mumbai as it is impossible for the petitioners to approach Ld. DRAT, Mumbai in such short span of time.*

b) *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 property of the petitioners till the pendency of the Appeal and SA.*

3. The contention is that the Debt Recovery Tribunal (DRT) is not deciding the Interim Application No.305 of 2026 filed by the petitioners in S.A.No.239 of 2025 praying for stay against the Possession Letter wherein possession is scheduled on 24/02/2026 and the matter is listed today i.e. 23/02/2026 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

23/02/2026 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. Hence, the learned counsel submits that there is no time to approach DRAT Mumbai challenging the aforesaid order as the letter dated 13/02/2026 at Annexure-H (record page 68) issued by the respondent states that they will be taking possession on 24/02/2026.

5. In view of above, issue notice to the respondents returnable on 27/03/2026.

6. When the present writ petition was called out before this Court at 2.30 pm in view of the urgent circulation granted by this Court in the first session at 10.30 am, it was informed by the learned counsel appearing for the petitioner that the aforesaid I.A. No.305/2026 is being argued today before the DRT, Nagpur. Hence, the present writ petition was kept at 4.30 pm to know the status of the same. At 4.30 pm, when the matter was called out again, it was informed by the learned counsel for the petitioner Shri Shamish Agrawal that the learned DRT, Nagpur has not yet passed any order on the I.A.

7. For the aforesaid reasons, we pass the following order :

In the meantime, 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 to seek appropriate reliefs.

8. The respondents are also directed not to take physical possession of the property as mentioned in the intimation letter dated 13/02/2026 (Annexure-H) until further orders.

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

(Raj D. Wakode, J.)

(Anil S. Kilor, J.)