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

WRIT PETITION NO.2880 OF 2026

ANJALI W/O. KAUSHIK CHOUDHARY
VS
STATE BANK OF INDIA, THR. AUTHORIZED OFFICER, HOME LOAN CENTRE, NAGPUR AND ORS.

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

Ms (Dr.) R.S. Sirpurakar, Advocate for the petitioner/s
Ms Romani Patro, Advocate for the respondent No.1/Bank

CORAM : ANIL S. KILOR AND RAJ D. WAKODE, JJ.
DATE : 08.04.2026

1. Heard the learned counsel for the petitioner and the learned counsel for the respondent No.1/Bank.

2. The petitioner's grievance is that she is neither a borrower, co-borrower, nor guarantor in respect of the loan availed by her husband, i.e. respondent No. 2, insofar as the secured asset in question is concerned.

3. The respondent No. 2, the husband of the petitioner, is the borrower. In view of the matrimonial discord between the petitioner and her husband, wherein the protection order is passed by the learned Trial Court in the proceedings initiated by the petitioner under the Protection of Women from Domestic Violence Act, 2005, the respondent No. 2 has intentionally defaulted in repayment of the loan. Consequently, securitization proceedings have been initiated by Respondent No. 1–Bank.

4. The learned counsel for the petitioner submits that the petitioner has also approached the learned Debt Recovery Tribunal (DRT), Nagpur by filing the Securitization Appeal (SA), challenging such Securitization proceedings.

5. The learned counsel for the petitioner has also invited our attention to Interim Application (IA) No. 722 of 2026, filed by the petitioner, seeking interim relief against the action initiated at the behest of the respondent No. 1–Bank, more particularly against taking physical possession of the secured asset, which is a residential house, wherein the petitioner is residing along with her minor children. The learned counsel for the petitioner submits that till today, such IA has not been decided by learned DRT, Nagpur.

6. The learned counsel for the petitioner also invites our attention to the possession notice dated 02.04.2026 (Page 111-Annexure A-13), which prescribes that the physical possession of the secured asset shall be taken on 10.04.2026.

7. The learned counsel for the respondent–Bank submits that the aforesaid IA is fixed for hearing and decision on 09.04.2026 before the learned DRT, Nagpur. However, it is submitted that if the said IA, seeking stay is heard and rejected on 09.04.2026, the petitioner would not be in a position to approach the learned Debts Recovery Appellate Tribunal (DRAT), Mumbai, by filing a statutory appeal challenging such rejection, as the physical possession of the secured asset is scheduled to be taken on 10.04.2026.

8. In view of the above, we dispose of the present writ petition in following terms:

i) The learned Debts Recovery Tribunal, Nagpur is directed to decide the aforesaid Interim Application No. 722 of 2026 in S.A. No. 74 of 2026, if possible, on 09.04.2026, and if not, for any unavoidable reason, within a period of 15 days from today.

ii) In the meantime, the respondent No.1/Bank is directed not to act upon the notice dated 02.04.2026, till the decision of the learned DRT, Nagpur on the aforesaid IA.

iii) If the aforesaid IA is rejected by the learned Tribunal Nagpur then, the aforesaid interim order shall continue for another period of 15 days in order to enable the petitioner to challenge the same before the learned Debts Recovery Appellate Tribunal (DRAT), Mumbai.

Accordingly, the writ petition is **disposed of** in the above terms. No order as to costs.

(RAJ D. WAKODE, J.) **(ANIL S. KILOR, J.)**

Signed by: Mr. Niranjan Thawre
Designation: PA To Honourable Judge
Date: 08/04/2026 19:06:52

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