



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

WRIT PETITION NO. 4046 of 2026

M/s.Rajvardhan Ginning and Oil Factory through its Prop. Mr. Rupesh Rameshrao
Deshmukh.

vs.

Bank of Maharashtra, through Authorized Officer, Khed 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. S. V. Deshmukh, Advocate for petitioner.

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

DATE :- 11th JUNE, 2026.

Heard learned counsel for the petitioner.

2. Initial grievance of the petitioner was that the Interim Application for staying the notice of possession was not heard and decided by the Debts Recovery Tribunal, Nagpur. The said grievance of the petitioner was redressed by this Court by passing the order dated 08.05.2026 and by even protecting the petitioner for 15 days, if any, adverse order is passed on the Interim Application by the Debts Recovery Tribunal, Nagpur.

3. Now, the petitioner has come up with Civil Application (W) No. 1284 of 2026 with the grievance as stated in para 5 of the application, which reads thus:

“5. The Presiding Officer of the learned DRAT, Mumbai is on leave on 27.05.2026, 28.05.2026, 29.05.2026. The copy of the notice dated 27.05.2026 is annexed herewith and marked as DOCUMENT NO. V. The office of the DRAT, Mumbai raised certain office objections in the said Appeal. Hence, the Counsel for the Petitioner required 5 to 6 days time to remove those office objections, as certain documents were required to be typed, affidavit was also required to be done thereafter the same were sent by Courier to Mumbai. On 5th of June 2026, the counsel for the Appellant sought circulation of waiver application

and appeal with stay application, before the learned Presiding Officer, DRAT, Mumbai, which was granted on 9th June 2026. On 8th June 2026, the Counsel for the Petitioner came to know that the learned Presiding Officer of DRAT, Mumbai is on leave from 08/06/2026 to 12/06/2026, and additional charge of DRAT, Mumbai has been entrusted to Chairman/ Presiding Officer, DRAT, Chennai. The copy of leave notice dated 08/06/2026 is annexed herewith as DOCUMENT NO. VI. On 09th June 2026, the Counsel for Petitioner had connected the Video Conferencing link of DRAT, Chennai for mentioning the Appeal as well as the Stay Application and Waiver Application, but the Chairman, DRAT, Chennai was not available on 09th June, 2026. Hence it became extremely necessary to urgently move this Hon'ble Court as the taking of forcible possession is scheduled on 12/06/2026.”

4. Considering the facts stated in para 5 referred to above, we are of the opinion that to grant one opportunity to argue the application for stay against the notice dated 25.05.2026, we should protect the possession of the petitioner for a period of seven days. According we protect the possession of the petitioner for seven days from today. After a period of seven days, the order protecting the possession of the petitioner shall stand vacated.

5. In that view of the matter, since nothing survives in this petition as well as Civil Application (W) No. 1284 of 2026, the same are disposed of accordingly. Pending application, if any, shall also stand disposed of.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)

Andurkar.