

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 2725 of 2026**

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SUBHASH NAVRATANMAL SHAH & ANR.

Versus

THE AUTHORISED OFFICER, SARASWAT CO OPERATIVE BANK LIMITED

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Appearance:

MR VIJAY H PATEL(7361) for the Petitioner(s) No. 1,2

MR LALIT M PATEL(2239) for the Respondent(s) No. 1

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CORAM: **HONOURABLE MR. JUSTICE NIRAL R. MEHTA****Date : 10/03/2026****ORAL ORDER**

[1] By way of present petition under Article 226 of the Constitution of the India, the petitioners have approached this Court with the following reliefs.

“10(a) YOUR LORDSHIP may allow this writ petition by issuing the writ of Certiorari and/or any other appropriate writ/direction or order and thereby quash and set aside the impugned notice dated 23.02.2026 (Annexure P/1) and impugned order dated 23.01.2026 at (Annexure "P/2") as being arbitrary, unjust, unreasonable and discriminatory, in the interest of justice and equity;

(b) YOUR LORDSHIP may allow this writ petition by issuing

the writ of Certiorari and/or any other appropriate writ/direction or order and thereby quash and set aside the order dated 21.02.2026 (Annexure P/3) passed in SA No. 29/2026 being as being arbitrary, unjust, unreasonable and discriminatory, in the interest of justice and equity;

(c) Be pleased to stay the operation and implementation of impugned notice dated 23.02.2026 and impugned order dated 21.02.2026 during the pendency of the petition and further be pleased to restrain the respondent from taking any coercive action against the property in question.

(d) Ex-parte Ad - interim relief in terms of Para 9 (c).

(e) Any other relief, order or direction which may be just, fit, proper, and equitable in the facts and circumstances of the Petition.”

[2] Heard learned advocate Mr. Vijay Patel for the petitioners and learned advocate Mr. Lalit Patel for Respondent.

[3] Learned advocate for the petitioners submitted that petitioners are challenging order dated 21st February 2026 passed by DRT-I, Ahmedabad in S.A. No.29 of 2026. It is further submitted that the Petitioners have received a notice from the

Court Commissioners for taking possession of the properties on 1st March 2026. He further submitted that as per the procedure, physical documents are also required to be filed before the Registry over and above filing of Appeal before DRAT, Mumbai, some time is likely to be consumed; however, learned advocate for the petitioners, in the interregnum period, apprehends that respondent is likely to take possession of the properties as per the notice received by the petitioners. Thus, learned advocate for the petitioners submitted that in that eventuality, if the indulgence is not shown by this Court, petitioners will be left remediless.

[4] On the other hand, Mr. Patel, learned advocate for the respondent, fairly conceded that keeping in mind the principle of fair play, respondent No.1 shall not take the possession of the subject properties of the petitioners till 24th March 2026. However, Mr. Patel requested that if in the meantime, the petitioners fail to get any order from the Debt Recovery Appellate Tribunal, Chennai, no further indulgence by way of any extension of time, be granted.

[5] Request and the approach of Mr. Patel appears to be

reasonable and fair.

[6] In view of above, the present petition deserves to be disposed of, without much entering into the merits of the case, with the following directions:

(i) The petitioners are hereby directed to approach the Debt Recovery Appellate Tribunal, Mumbai as expeditiously as possible by following and complying all the formalities, so that effective hearing of the Appeal may take place by the learned Debt Recovery Appellate Tribunal, Mumbai.

(ii) The said exercise shall have to be completed by the petitioners before 24th March 2026 so that learned Debt Recovery Appellate Tribunal, Mumbai can pass appropriate orders.

(iii) It is, however, clarified that the indulgence granted by this Court is purely on the ground of expediency and thereby, needless to clarify that there shall not be any further

indulgence by this Court.

(iv) It is further clarified that if on or before 24th March 2026 the petitioners fail to secure any interim order from Debt Recovery Appellate Tribunal, then in that case, it is open for the Bank to take recourse of taking over possession of the properties in accordance with law.

(iv) Respondent as well as Court Commissioners shall not take possession of the properties of the petitioners till 24th March 2026.

[7] With aforesaid observations and directions, present petition stands disposed of.

Direct service is permitted, today.

CHANDRESH

(NIRAL R. MEHTA,J)

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: CHANDRESH NATVARBHAI SIDDHAPURA(HC01109), PRIVATE SECRETARY, at High Court of Gujarat on 10/03/2026 17:57:10