

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 6176 of 2026**

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ABDUL GAFFAR ABDUL SATTAR SHAIKH & ORS.

Versus

ICICI BANK LTD. & ORS.

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Appearance:

MR IH SAIYED, SR.ADVOCATE WITH MR PRITHU PARIMAL(9025) for the
Petitioner(s) No. 1,2,3,4

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CORAM: HONOURABLE MR.JUSTICE N.S.SANJAY GOWDA

and

HONOURABLE MR.JUSTICE J. L. ODEDRA**Date : 29/04/2026****ORAL ORDER****(PER : HONOURABLE MR.JUSTICE N.S.SANJAY GOWDA)**

1. It is the case of the petitioners that an appeal was preferred before the Debts Recovery Appellate Tribunal, Mumbai challenging the award passed in Lok Adalat. The award of the Lok Adalat was to the effect that the bank had settled the matter with the debtors i.e. borrowers who had agreed to pay entire compromised amount of Rs.12 lacs. The second defendant was one Mr.Mohammed Arzoo Hashim. It is the case of the petitioners that they have purchased the property which belongs to the second defendant Mr.Mohammed Arzoo Hashim and this property had not been mortgaged to the bank and the second defendant Mr.Mohammed Arzoo Hashim was only guarantor of the loan.

2. The award of the Lok Adalat indicates that the amount of Rs.12 lacs was required to be paid within six months and there is also injunction restraining the defendants from encumbering, alienating or dealing with the mortgaged properties and also other properties without first paying the claim of the applicant bank. It is, therefore, clear that the award of the Lok Adalat also restrains the second defendant from selling the property including the property which has not been mortgaged.

3. Be that as it may, the Debts Recovery Appellate Tribunal, while doubting the maintainability of the appeal, has ordered the notice and has also stated that in case of urgency, the petitioners herein would be at liberty to move an appropriate application.

4. Learned senior counsel Mr.I.H.Saiyed points out that the possession of the petitioners over the property which is the residential property will be taken over on 2.5.026 and therefore, prays for some protection.

5. Issue Notice to the respondents returnable on 17.6.2026.

6. In our view, since the award of the Lok Adalat has restrained the parties from disposing of the property without paying the claim of Rs.12 lacs as agreed, it would be appropriate to stay dispossession of the petitioners subject to condition that the petitioners shall deposit a sum of Rs.12 lacs before the Registry of this Court within a

period of four weeks from today. On such deposit, the Registry shall invest the amount of Rs.12 lacs in a fixed deposit. It is made clear that the amount of Rs.12 lacs if not paid, this interim order shall stand automatically dissolved without further reference to the Court.

Direct service is permitted.

(N.S.SANJAY GOWDA,J)

(J. L. ODEDRA, J)

H.M. PATHAN