

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4723 OF 2026

WITH

WRIT PETITION NO. 4727 OF 2026

WITH

WRIT PETITION NO. 4753 OF 2026

Kalpana Suresh Ramchandani .. Petitioner

V/S.

Central Bank of India and Ors .. Respondents

Mr. Vaibhav Bajpai, a/w Mr. Swapan Samdani and Ms. Krati Sharma, i/b Mr. Swapan Samdani, for the Petitioner in WP/4723/2026 and WP/4753/2026.

Mr. Mayank Bagla, a/w Mr. Swapan Samdani and Ms. Krati Sharma, i/b Swapan Samdani, for the Petitioner in WP/4727/2026.

Mr. Sunil Kadam, a/w Mr. Vikas A. Mulik, for Respondent No. 1 – Bank in WP/4723/2026.

Mr. Sunil Kadam, a/w Vikas A. Mulik, for Respondent No. 1 – Bank in WP/4727/2026.

Mr. Sunil M. Kadam, a/w Vikas A Mulik, for Respondent No. 1 – Bank in WP/4753/2026.

CORAM : MANISH PITALE &
SHREERAM V. SHIRSAT, JJ.

DATE : 23RD APRIL 2026.

PC:

1. On the last date of hearing, learned counsel for the respondent - bank had relied upon the judgment of this Court in the case of *Hill Properties Limited vs. Union of India* [(2009) SCC OnLine Bom 669] contending that the only remedy available to the petitioner in the facts and circumstances of

this case would be to approach the Debt Recovery Tribunal under Section 19 (25) of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993.

2. We had expressed our *prima facie* opinion that the present writ petitions may not be maintainable and the petitioner may have to exhaust the remedy as indicated in the said judgment. On the said date, the learned counsel for the petitioner sought an adjournment to consider the aforesaid judgment and to respond.

3. Today, learned counsel for the petitioner is harping on some affidavit of the Respondent No. 1 bank, which appears to have been served upon the learned counsel for the petitioner. He is unable to respond to the aforesaid specific contention raised on behalf of the Respondent No. 1 bank by relying upon the said judgment of this Court.

4. Adjourned by four weeks for the learned counsel for the petitioner to address this Court on the said question of law.

5. List for further consideration on 12th June 2026.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)