

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2416 OF 2026

Dilip Genubhau Kalate and Anr .. Petitioners

V/s.

Aditya Birla Capital Ltd and Ors .. Respondents

Ms. B. R. Mangale, for the Petitioners.

Mr. Surel Shah, Senior Advocate, Mr. Lalit Katariya, Ms. Ashrita Chindarkar, i/b Katariya and Associates, for Respondent No. 1.

Mr. Sandeep S. Salunkhe, for Respondent Nos. 2 to 6.

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

DATE : 1ST APRIL 2026.

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1. On 24th February 2026, after recording reasons, this Court while issuing notice had granted ad-interim relief in terms of prayer clause (b) thereby restraining Respondent Nos. 1 to 6 from dispossessing the petitioners from the subject property.

2. Learned senior counsel appearing for Respondent No. 1 (secured creditor) submits that as on today, the loan taken by the borrowers i.e. Respondent Nos. 2 to 6 has been regularized and therefore, as on today, the Respondent No. 1 (secured creditor) is not taking any precipitate action in the matter under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI

Act).

3. Nonetheless, it is submitted that if in future, any such occasion arises to take recourse to the SARFAESI Act, the dispute being raised by the petitioners in this petition should not come in the way of the Respondent No. 1 (secured creditor).

4. At this stage, learned counsel appearing for Respondent Nos. 2 to 6, i.e. the borrowers, submits that an exercise of measurement was carried out, allegedly in the presence of the petitioners and the report thereof will put a quietus to the controversy. In that light, Respondent Nos. 2 to 6 are directed to file a reply affidavit along with documents to justify the aforesaid stand, with an advance copy being served on the learned counsel for the petitioners. Such a reply affidavit along with documents be filed within two weeks from today. List the petition for further consideration on 22nd April 2026, 'High on Board.' Ad-interim order shall continue to operate till then.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)