

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4014 OF 2026**

Anjali Mukund Pimpale ... Petitioner
vs.
Mukund Balasaheb Pimpale and another ... Respondents

Mr. Mayur P. Salunke (through V.C.) a/w. Mr. Ajinkya Salunke for petitioner.

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

DATE : 27th MARCH, 2026

P.C. :

. The petitioner has filed this petition, challenging an order dated 05.02.2026 passed by the Chief Judicial Magistrate, Pune, under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (Securitisation Act), whereby a Court Commissioner was appointed for taking physical possession of the residential property, in which the petitioner is residing. The said property is a secured asset in respect of which respondent No.2-bank (secured creditor) has proceeded under the provisions of the said Act. This petition was urgently circulated, for the reason that the Court Commissioner, in pursuance of the order of the Magistrate, had issued a possession warrant/notice dated 04.03.2026, stating that the physical possession of the said property will be taken on 30.03.2026. Copy of the said notice is annexed at Exhibit E to the petition.

2. In the face of availability of an alternative remedy of approaching the Debts Recovery Tribunal (DRT) under the provisions

of Securitisation Act, ordinarily this Court would not have entertained such a petition. But, we find that peculiar circumstances are highlighted in this petition.

3. The petitioner and her husband i.e. respondent No.1 (borrower) are in the midst of a matrimonial dispute. In that context, in the year 2023, the petitioner initiated proceedings against the said respondent, under the provisions of The Protection of Women from Domestic Violence Act, 2005, *inter alia*, praying for maintenance for herself and minor daughter. In the said proceeding, the competent Court passed an order dated 28.11.2023, directing the said respondent to pay amount of ₹ 9,000 towards monthly maintenance to the petitioner as well as her minor daughter i.e. total amount of ₹ 18,000 per month.

4. The learned counsel for the petitioner submits that respondent No.1 has defaulted in respect of the said direction, as a consequence of which recently, an arrest warrant has been issued against him by the competent authority.

5. The respondent No.1 i.e. the husband of the petitioner is the original borrower, who has defaulted in repayment of loan advanced by respondent No.2-bank and in that context, the possession warrant has been issued by the Court Commissioner, in pursuance of the steps taken by respondent No.2-bank under Securitisation Act.

6. Respondent No.1 does not appear to have taken any steps to challenge the proceedings undertaken by respondent No.2-bank under the provisions of the Securitisation Act. But, we find that according to the petitioner, the respondent No.1 is not residing in the

said property and only the petitioner and her minor daughter aged about 6 years are residing therein. It is submitted that if the physical possession of the said property is taken by respondent No.2-bank on 30.03.2026, the petitioner (a lady) will be left without any roof on her head along with her minor daughter aged about 6 years. It is further stated that the daughter attends a school, which is in proximity of the said property and therefore, the minor daughter will also suffer grave consequences, if this Court does not invoke writ jurisdiction in the peculiar circumstances.

7. We are of the opinion that this petition does bring to the fore extraordinary circumstances, warranting the writ petition to be entertained, despite availability of alternative remedy.

8. Hence, issue notice, returnable on 16.04.2026, High on Board.

9. In view of the observations made hereinabove, till the next date of listing and by way of ad-interim direction, the possession warrant/notice dated 04.03.2026, issued by the Court Commissioner, shall remain stayed.

(SHREERAM V. SHIRSAT, J)

(MANISH PITALE, J.)