

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 11618 OF 2025

Mariyam Rangwala and anr. ... Petitioners

Versus

The State of Maharashtra and Ors. ... Respondents

Mr. Shadab Jan a/w. Mr. Azeem Abdul for the Petitioners.

Ms. Reena Salunkhe, AGP for Respondent No.1 – State.

Mr. Nikhil Rajani a/w. Mr. Ajay Deshmane i/b. V. Deshpande and Co.
for Respondent No.2.

Mr. Navin Arora for Respondent No.3 – SBI.

CORAM : SUMAN SHYAM &
SHYAM C. CHANDAK, JJ.

DATED : 04th SEPTEMBER, 2025

P.C. :-

. Heard learned Counsel for the parties. Perused the statements made in the Writ Petition.

2) The primary contention of the Petitioners is that although they do not have any liability *qua* the Respondent No.2, yet, due to the competing claims between the Respondent Nos.2 and 3, the Petitioners have been made to suffer inasmuch as the possession of the property has been taken over by the Respondent No.2. In such circumstances, the Petitioners are seeking restoration of possession of the property.

3) The prayer has been stoutly opposed by Mr. Rajani, the learned Counsel for Respondent No.2 who has questioned the maintainability of the

Writ Petition on the ground of availability of alternative remedy.

4) Mr. Arora, learned Counsel for Respondent No.3 – SBI has also opposed the prayer for interim relief made by the Petitioners.

5) Issue notice to the Respondents, returnable on **16th October, 2025.**

6) Ms. Salunkhe, learned AGP, Mr. Rajani and Mr. Arora, learned Counsel waives notice on behalf of Respondent Nos.1, 2 and 3 respectively. This matter is, therefore, deemed to be ready as regards service.

7) Heard on the prayer of interim relief. The said prayer will be considered on the returnable date. However, having regard to the facts and circumstances of the case as well as the relief prayed for in this Petition, as an ad-interim measure, we direct that the Respondent No.2 – Saraswat Bank shall not alienate the property in question in any manner, till the next date. The parties may exchange pleadings within four weeks from today by serving advance copy upon the opposite side. The issue of maintainability of the Writ Petition is kept open and shall be considered on the next date.

8) List this matter again on **16th October, 2025.**

(SHYAM C. CHANDAK, J.)

(SUMAN SHYAM, J.)

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