

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.354 OF 2025

Jaya Suresh Gangar

.. Petitioner

Versus

Union Bank Of India

.. Respondent

-
- Mr. Harshad Sathe, Advocate for Petitioner.

.....

CORAM : MILIND N. JADHAV, J.

DATE : JULY 01, 2025

P. C.:

1. Heard Mr. Sathe, learned Advocate for Petitioner.
2. Mr. Sathe draws my attention to order passed by Debts Recovery Tribunal No.3, Mumbai dated 25th April, 2023 appended at page No.82 of the Petition. Said order is reproduced below:-

“Mrs Fadia, representing the secured creditor, submits that as of date neither the Registrar nor the authorized officer has fixed any date to take physical possession of the mortgaged property. She further submits that fifteen days’ notice will be given to the borrower before taking the physical possession of the mortgaged property. The statement made by Mrs Fadia is accepted.”

3. He next draws my attention to Exhibit ‘H’ appended at page No.83 which is notice dated 20.12.2023 for taking over possession issued by the Tahsildar. Perusal of said notice shows that possession was to be taken by the Tahsildar on 26.12.2023 as stated in the said notice.

4. The proceedings have been initiated before the Tahsildar by the Bank. Notice of the Tahsildar says so since possession was to be handed over to the Union Bank of India. Therefore in adherence to the order dated 25th April, 2023 if the bank had moved the Tahsildar it was their solemn duty to abide by their undertaking which was given to the Court as reflected in the order dated 25th April, 2025. *Prima facie* an arguable case is therefore made out by the learned Advocate for issuance of notice. Hence, issue notice to the Respondent made returnable after four weeks. Humdust is permitted.

5. In addition to Court notice, Petitioner is permitted to serve a copy of the Contempt Petition and this order on Respondent and inform them about the next date of hearing by any permissible private mode of service and file appropriate Affidavit of service with tangible proof thereof on or before the next date.

6. Respondent is directed to file Affidavit-in-Reply and explain the fact situation to the Court in view of the order dated 25th April, 2023 read with the possession notice dated 20.12.2023 appended as Exhibit 'G' and 'H' to the Petition.

7. Copy of this order shall be served on the Respondent by the learned Advocate for Petitioner.

8. Stand over to **29th July, 2025.**

[MILIND N. JADHAV, J.]