

Kavita S.J.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L) NO.8782 OF 2025

M/s Kisna Investment

...Petitioner

Versus

State of Maharashtra & Ors.,

...Respondents

Mr. Surel Shah, Senior Counsel i/b Mr. Rushikesh S. Kekane for the
Petitioner.

Ms. Usha Rahi, AGP for Respondent No.1.

Mr. Vivek S. Sawant for Respondent No.4.

Mr. Vinay Bhate (through V.C.) for Respondent No.5.

**CORAM : R.I. CHAGLA, J.
FARHAN P. DUBASH, J.**

DATED : 3rd NOVEMBER, 2025.

ORDER :

1. Mr. Surel Shah, learned Senior Counsel appearing for the
Petitioner has referred to the Second Appeal No.614 of 2016 filed by
the Respondent No.5, wherein a common issue arises. He has
submitted that the present Writ Petition has been filed by the
successful auction purchaser who has not been granted possession of

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the secured assets of the Respondent – Bank inspite of making full payment of the purchase price. He has submitted that the secured assets had been purchased by the auction purchaser pursuant to the enforcement of the mortgage of the secured assets in favour of the Respondent – Bank. The Respondent No.5 is the Lessee, who is, still in possession of the secured assets / subject property in spite of the same having been purchased by the auction purchaser in the year 2008.

2. The learned Counsel appears for the Respondent No.5 states that Respondent No.5 has no objection to both the matters i.e. present Writ Petition and the Second Appeal No.614 of 2016 being heard by this Division Bench.

3. The learned Counsel for the Petitioner and learned Counsel for Respondent No.5 jointly state that they will apply for administrative order of the Hon'ble the Chief Justice for placing the Second Appeal together with the present Writ Petition before this Bench.

[FARHAN P. DUBASH, J.]

[R.I. CHAGLA, J.]