



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

WRIT PETITION (L) NO.12215 OF 2026

Kotak Mahindra Bank Limited ... Petitioner
Versus
Yashovardhan Ashokvardhan Birla and Others ... Respondents

Mr. Sanjay Anabhawane i/b. Ms. Medha Rane, for the Petitioner
Mr. Charles D'Souza (through VC) for Respondent No. 1.
Ms. Somya Tripathi, for Respondent No. 3.
Mr. D.N. Mishra a/w. Mr. Abhinav Mishra, for Respondent No. 4.

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

DATE : 23rd APRIL, 2026

P.C. :

1. By this petition, the petitioner Bank is seeking a direction to Debt Recovery Tribunal – II, Mumbai (DRT) for expeditious disposal of Interlocutory Application No. 839 of 2023 in Transfer Original Application No. 1816 of 2016. Attention of this Court is invited to earlier order dated 25th July, 2025 passed in Writ Petition (L) No. 18229 of 2025 wherein such a direction was already given. It is brought to our notice that such direction was given in the said order despite taking note of the fact that the petitioner Bank had filed Miscellaneous Appeal No. 224 of 2024 before the Debt Recovery Appellate Tribunal, Mumbai (DRAT) in order to challenge the order dated

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18th January, 2024 passed by DRT-II. By the said order, DRT -II had directed that the said Interlocutory Application No. 839 of 2023 shall be heard with the Original Application during final hearing.

2. We are of the opinion that it would be in the interest of all parties that the pending Original Application along with all interlocutory applications are taken up for consideration and decided finally in a time bound manner.

3. In this regard, the learned counsel appearing for respondent No. 1 submits that so long as the petitioner is pursuing its appeal before DRAT challenging the order dated 18th January, 2024, issuing a direction for expediting hearing on Interlocutory Application No. 839 of 2023 may not serve the purpose and if the petitioner intends to withdraw the pending appeal before DRAT, such a statement on behalf of the petitioner may be recorded before this Court.

4. In this backdrop, the learned counsel for the petitioner Bank on instructions makes a statement that the petitioner shall withdraw pending Miscellaneous Appeal No. 224 of 2024 before DRAT so that appropriate directions are facilitated in this petition.

5. We find that although the petitioner in the present petition has prayed for a direction for expeditious disposal of Interlocutory Application No. 839



of 2023, in the facts and circumstances of the present case, it would be appropriate that all the pending applications along with the original application are taken up for consideration expeditiously and disposed of by DRT -II, Mumbai.

6. In view of the above and in the light of the statement made on behalf of the petitioner Bank that it shall withdraw pending Miscellaneous Appeal No. 224 of 2024 before the DRAT, the present Writ Petition is disposed of by directing DRT- II, Mumbai to take up Transfer Original Application No. 1816 of 2016 with all the pending interlocutory applications therein for consideration and final disposal as expeditiously as possible. In that context, the parties are directed to cooperate with DRT- II, Mumbai by completing the pleadings and avoiding unnecessary adjournments. If any procedural steps such as service of summons on the parties are to be undertaken, the petitioner Bank shall take steps forthwith.

7. The DRT- II, Mumbai is directed to finally dispose of the said Original Application and all Interlocutory Applications at the earliest possible and in any case on or before 31st August, 2026. The Writ Petition is disposed of.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)