

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

WRIT PETITION (L) NO.38807 OF 2025

Mrinal Utkarsh Sangai ... Petitioner
Versus
South Indian Bank ... Respondent

**VISHAL
SUBHASH
PAREKAR**

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Mr. Rohan Cama a/w. Mr. Anish Karande, Mr. Amar Mishra, Mr.
Sundas Ansari i/b. SRM Law Associates, for the Petitioner.
Mr. R.L. Motwani, for Respondent No. 1.
Ms. Preeti Barde, for Respondent Nos. 2 to 7.

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

DATE : 13th FEBRUARY 2026

P.C. :

1. The Petitioner (auction purchaser) has filed this Writ Petition being aggrieved by the fact that the proceedings before Debt Recovery Tribunal, Mumbai (DRT) and before the Debt Recovery Appellate Tribunal, Mumbai (DRAT) have not proceeded in an expected manner and that the proceedings have been languishing because of the work load before the DRT and DRAT. The situation has been compounded by the fact that the Presiding Officers in the DRT as well as in DRAT have either reduced in numbers or that the posts have remained vacant.

2. It is in this backdrop that the Petitioner has challenged an order dated 18th December, 2023 passed by the DRT-3, Mumbai whereby further proceedings in pursuance of the auction sale were stayed.

3. It is the case of the Petitioner that being an auction purchaser and having paid the valuable consideration of Rs. 4.5 Crores and even the share certificate having been registered in her favour, as far back on 21st March, 2023, she is unable to enjoy the fruits of the subject property which was a secured asset with the Respondent-1 Bank. It is further stated that the Petitioner moved an Interim Application No. 2418 of 2025 for a direction to handover the physical possession of the subject property as the share certificate was also registered in favour of the Petitioner. It is further informed that even the Respondent No. 1 Bank moved an Interim Application No. 3025 of 2025 praying for vacating the impugned order of stay on 18th December, 2023. Both the applications are pending before DRT. We are further informed that the Petitioner was also constrained to file an appeal before DRAT bearing number Misc. Appeal (L) No. 2485 of 2025 to

challenge the impugned order dated 18th December, 2023. It is further submitted that the DRT-3, Mumbai was unable to take up the application filed by the Petitioner as well as the Respondent No. 1 Bank due to the fact that at that point of time DRT-3 had the charge of DRT-1. We are informed that now the Presiding Officer for DRT-3 is not available and therefore DRT-1 is in-charge of DRT-3. It is brought to our notice that in such circumstances, the hearing of the applications moved by the Petitioner and Respondent No. 1 Bank have been adjourned from time to time and that on 13th November, 2025, as the Presiding Officer of DRT-3 was on leave, next date of hearing was fixed as 18th June, 2026. It is brought to the notice of this Court that even the appeal filed before DRAT is pending.

4. Learned counsel for Respondent Nos. 2 to 7 (original borrowers) submits that the Petitioner is at fault with regard to pendency of the appeal before the DRAT, as objections have not been removed and therefore the Petitioner can not have any grievance in that regard.

5. The Respondents before this Court are represented by

counsel, in as much as Respondent No. 1 Bank is represented by counsel as well as Respondent Nos. 2 to 7 are also represented by counsel. Hence, this Court taken up the Writ Petition for disposal at this stage itself.

6. Learned counsel for the Petitioner submitted that it can be demonstrated before this Court that the impugned order dated 18th December, 2023, is wholly unsustainable for the reason that it is based on incorrect appreciation of facts. In that regard, an attempt was made to refer certain documents to impress upon this Court that the basis on which the impugned order dated 18th December, 2023, was passed is not borne out by the record.

7. We are of the opinion that instead of this Court, while exercising the writ jurisdiction, going into the merits of the matter, it would be appropriate that specific directions are issued to DRT so that grievance of the Petitioner with regard to non-consideration of her pleas in respect of order dated 18th December, 2023, is duly addressed.

8. We are of the opinion that the DRT can be directed to take up the Interim Applications filed by the Petitioner as well as

Respondent No. 1 Bank for hearing and consideration expeditiously, in a time bound manner so that the Petitioner as well as the Respondent No. 1 Bank are able to point out their reasons as to why the impugned order dated 18th December, 2023 deserves to be recalled or that the order needs to be varied in an appropriate manner. We are conscious that the Petitioners were constrained to file an appeal before DRAT against the impugned order dated 18th December, 2023, but since the applications filed by the Petitioner as well as Respondent No.1 Bank are already pending before the DRT, it would be appropriate that DRT decides the Interim Application at the earliest.

9. In view of the above, the Writ Petition is disposed of by directing DRT-1, Mumbai to consider and dispose of Interim Application Nos. 2418 of 2025 and 3052 of 2025 filed in Securitization Application No. 149 of 2023, at the earliest and in any case on or before 16th March, 2026. The Petitioner as well as the Respondents shall file additional affidavits/ reply affidavits, if any, on or before 25th February, 2026.

10. The Petitioner as well as Respondents to cooperate with

DRT-1, Mumbai for disposal of the applications within the time period indicated herein above.

11. The DRT-1, Mumbai shall decide the said applications without being influenced by the observations made in the impugned order dated 18th December, 2023, as well as the observations made in this order passed by this Court and notwithstanding the pending appeal filed by the Petitioner before the DRAT.

12. Writ Petition stands disposed of in above terms.

13. Pending applications if any, also stand disposed.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)