



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

WRIT PETITION NO. 4065 OF 2026

Anjali w/o Prakash Hardwani and one

vs.

Tata Capital Housing Finance Limited and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Adv. Shamish Agrawal, Advocate for petitioners.

CORAM : ANIL S. KILOR AND RAJ D. WAKODE, JJ.

DATED : 8th May, 2026

Heard Shri Shamish Agrawal, learned counsel for the petitioners.

2. The petitioners have approached this Court seeking directions in the nature of various prayer clauses; which include following prayers :

a) *To issue suitable writs, orders or directions or any other appropriate Writ, directing the Respondent No.1 to not to take physical possession of the property as per the Letter dt. 22/04/2026 (Annexure – I) for a period of 2 weeks or till the period of Appeal or any time frame that this Hon'ble Court may deem fit and proper, in the event if IA No. 1098/2026 is rejected or any adverse order is passed and such Order be kept in abeyance, enabling the petitioners to avail the remedy by filing and obtaining Order from Ld. DRAT, Mumbai as it is impossible for the Petitioners to approach Ld. DRAT, Mumbai in such short span of time due to Logistics and other reasons including the fact that No urgent Circulation is granted by Ld. DRAT, Mumbai until the Defects are notified by the Registry and Removed.*

b) *To issue suitable writs, orders or directions or any other appropriate Writ, directing the Respondent No.1 Bank not to take Physical possession of the property of the petitioners or any other action till the pendency of the Misc. Appeal and Securitization Application."*

3. The contention is that the Debt Recovery Tribunal (DRT) is not deciding the Interim Application No.1098 of 2026 filed by the petitioners in S.A.No.56 of 2026 praying for stay against the Possession Letter wherein possession is scheduled on 12/05/2026 and the matter is listed on 11/05/2026 before the DRT, Nagpur.

4. Learned counsel for the petitioners submits that since the interim application is not decided so far and if the same is decided on 11/05/2026 and in case it is rejected or any adverse order is passed, he will not have time to challenge the said Order in Appeal before DRAT Mumbai for seeking protection. Hence, the learned counsel submits that there is no time to approach DRAT Mumbai challenging the aforesaid order as the letter dated 22/04/2026 at Annexure-I (record page 59 to 62) issued by the Court Commissioner states that they will be taking possession on 12/05/2026.

5. In view of above, issue notice to the respondents returnable on 22/06/2026.

6. In the meantime, the Debt Recovery Tribunal, Nagpur is directed to decide the Interim Application No.1098 of 2026 within two weeks from the date of production of the order of this Court. If the aforesaid Interim Application is rejected or any adverse order is passed, such order be kept in abeyance for the period of 2 weeks thereafter to enable the petitioners to approach the Learned Debt Recovery Appellate Tribunal, Mumbai to seek appropriate reliefs.

7. The respondent is also directed not to take physical possession of the property as mentioned in the Letter dated 22/04/2026 (Annexure-I), till the decision of learned DRT, Nagpur in Interim Application No.1098/2026.

8. Authenticated copy of this order be supplied to the counsel for the petitioner.

(Raj D. Wakode, J.)

(Anil S. Kilor, J.)