

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 12859 OF 2026

Vaibhav Pandharinath Patil ... Petitioner
Versus
Canara Bank & Ors. ... Respondents

Mr. Sunil M. Kadam a/w Mr. Abhijit M. Pawar for Petitioner.
Mr. O. A. Das a/w Mr. Sudhir Gupta for Respondent No.1-Bank.

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

DATE : 29th SEPTEMBER 2026

P.C. :

. This writ petition has been urgently listed in the production board, in the light of mentioning in the morning. It was brought to our notice that although the petitioner (third party) filed Securitisation Application (Diary) No. 1679 of 2026 along with Interim Application therein, before the Debts Recovery Tribunal-III (DRT-III), Mumbai on 12th September 2026 and circulation was granted for 25th September 2026, the applications could not be listed for consideration before the DRT-III, Mumbai. It is brought to our notice that as per notice issued by the Court Commissioner dated 9th September 2026, the exercise of taking physical possession of the subject property (secured asset) is fixed for tomorrow i.e. 30th September 2026. But, upon a praecipe being moved before the DRT-III on 25th September 2026, in the light of

the applications not being listed on the said date, the DRT-III has granted circulation for 1st October 2026. The said date is beyond the date fixed for taking physical possession and on that ground, it is urged that the application for interim relief filed before the DRT-III would itself be rendered infructuous, if the physical possession is taken tomorrow at 11:00 a.m.

2. We are of the opinion that when the petitioner had repeatedly pointed out in the praecipes moved before the DRT-III, Mumbai that the exercise of taking physical possession is fixed for tomorrow i.e. 30th September 2026 at 11:00 a.m., urgent circulation and listing ought to have been granted at least a day prior or on the date when such exercise of taking physical possession is to be undertaken. Granting circulation beyond the date fixed for taking physical possession obviously renders the application for interim relief infructuous. For such small reasons, litigants are forced to rush to the writ Court, unnecessarily burdening the docket of the writ Court. We are constrained to observe that the DRT ought not to grant circulation in such matters beyond the date fixed for taking physical possession of the secured asset. The least that can be done is listing the application in such a manner that an opportunity is available to the aggrieved person to make out a case, if at all, for granting ad-interim/interim relief. The reply tendered on behalf of the respondent-bank is taken on record.

3. In view of the above, we dispose of the writ petition by

directing Debts Recovery Tribunal-II (DRT-II), Mumbai, in-charge of DRT-III, Mumbai to take up Securitisation Application (Diary) No. 1679 of 2026, along with Interim Applications filed therein, by the petitioner, for urgent consideration and hearing tomorrow morning i.e. on 30th September 2026. The DRT-II shall consider the question of ad-interim/interim relief on its own merits, tomorrow itself. In that light, we further direct that the exercise of taking physical possession tomorrow i.e. on 30th September 2026 at 11:00 a.m. shall stand deferred to 4:00 p.m. tomorrow. This would afford an opportunity to DRT-II, Mumbai to grant hearing to the parties in the applications filed by the petitioner.

4. We make it clear that we are not expressing any opinion on the merits of the matter. The DRT-II, in-charge of DRT-III, shall not be influenced by the order passed in this writ petition.

5. The rights and contentions of the parties are kept open.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)