

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

WRIT PETITION NO. 2105 OF 2026

Punjab National Bank	...	Petitioner
Versus		
Parveen Prakash Mahtani & Ors.	...	Respondents

Ms.Disha Shah a/w Shubhangi Maske i/b Law Focus for Petitioner.
Mr.Nimay Dave i/by Gurdeep Singh Sachar for Respondent No.1.
Ms.Nazia Shaikh, AGP for Respondent No.5-State.

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

DATE : 10th SEPTEMBER 2026

P.C. :

. This petition was fixed for hearing today. But, in the light of certain subsequent developments, the learned counsel appearing for respondent No.1 is instructed to make a statement to the effect that the said respondent is no longer in a position to take the benefit of the order dated 1st January 2025 passed by the Debts Recovery Appellate Tribunal (DRAT) in her favour, confirming sale of the subject property. It is submitted that due to bereavement in the family, the respondent No.1 has taken a call and instructed the Counsel to submit that without going into the merits of the matter, this Court may allow the writ petition in terms of prayer clause (a), thereby setting aside the impugned order of the DRAT. It is submitted that liberty may be reserved for

the respondent No.1 to participate in an auction that may be conducted in future, in respect of the subject property.

2. A perusal of the impugned order shows that the DRAT allowed the appeal filed by the respondent No.1, setting aside the order of the Debts Recovery Tribunal (DRT) and held that the sale of the subject property in favour of the respondent No.1 stood confirmed, subject to the said respondent depositing the entire sale consideration, within 15 days of the date of the said order.

3. In this writ petition, on 14th January 2025, a Division Bench of this Court passed the following order :

“1. The learned counsel for respondent no.1 submits that the copy of Memorandum of Appeal as well as a reply thereto are not on record. It would be in the interest of justice to peruse the same. Accordingly, the said documents shall be placed on record within a period of one week from today.

2. It is open for the respondent no.1 to deposit the entire sale consideration in terms of the order passed by the Debts Recovery Appellate Tribunal dated 1st January 2025 which is impugned in the writ petition. However, until further orders, the sale in favour of the respondent no.1 shall not be confirmed. This interim direction is subject to further orders in the writ petition and without prejudice to the rights and contentions of the parties.

3. Stand over to 21st January 2025.”

4. But, in the light of the subsequent events, the aforementioned instructions have been given to the learned counsel appearing for respondent No.1. In that light, keeping the question raised in this petition on merits open for consideration in an appropriate matter, the writ petition is allowed in terms of

prayer clause (a). Consequently, the impugned order passed by the DRAT is quashed and set aside.

5. It is noted that the earnest money deposited by the respondent No.1 was already refunded to her by the petitioner-bank.

6. Liberty is reserved for respondent No.1 to participate in an auction that may be conducted in future by the petitioner-bank, in respect of the subject property.

7. Pending applications, if any, also stand disposed of.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)