



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>WPMS/2024/2026</u> Sunita Rohilla and another --Petitioners Versus Aditya Birla Capital Ltd and another --Respondents <u>Hon'ble Manoj Kumar Tiwari, J.</u> Mr. Prasoon Dhariyal, Advocate holding brief of Mr. Vikas Pande, Advocate for the petitioners. 2. According to petitioners, their brother, late Praveen Kumar, took a loan of ₹76.00 lakh, from respondent No. 1 in the year 2021 and thereafter Praveen Kumar died on 20.11.2025 and now respondent No. 1 has initiated proceedings for recovery of outstanding dues from the joint family property, in which petitioners have also share. 3. According to petitioners, their share was never pledged or mortgaged with respondent No. 1, therefore no coercive steps can be taken, qua their share in the ancestral property. 4. Reliefs sought by petitioners in this petition are as follow:



			“A. Issue a writ or order in the nature of Certiorari quashing the notice dated 17.2.2026 issued under section 13 (2) and possession notice dated 16.05.2026 issued under the provisions of the SARFAESI Act, 2002 and notice dated issued under section 13(8) dated 1.6.2026 (Annexures no. 1 page no. 14-22, annexure no. 3 page no. 29-30 annexure no. 4 page no. 31-34 to this writ petition. B. Issue a writ, order or direction in the nature of Mandamus directing the respondents not to proceed with the Sale of the petitioners share of the property. C. Issue a writ, order or direction in the nature of Mandamus to direct the respondents to Sale only 1/3rd share of the property, if at all it is necessary. D. Issue a writ, order or direction in the nature of Mandamus to direct the respondents to initiate inquiry against the officers who are involved in making equitable mortgage of the property belonging to the petitioners without the consent of the petitioners.” 5. Since petitioners have remedy the approaching Debts Recovery Tribunal (DRT) under Section 17 of SARFAESI Act, 2002, therefore this Court is not inclined to entertain this petition. 6. The writ petition is, accordingly, disposed of with liberty to petitioners to approach DRT. 7. For a period of three weeks, no coercive steps shall be taken, qua the alleged share of the petitioners in the ancestral property, to enable them to approach DRT in the meantime. (Manoj Kumar Tiwari, J.) 15.07.2026 Mahinder/
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