

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.16275 OF 2025

IDBI Bank Limited ... Petitioner
Vs.
Arunkumar Babu Tummala and another ... Respondents

Ms. Maneesha Patel for Petitioner.

Mr. Sanjay S. Anabhawane for Respondent No.1.

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

DATE : OCTOBER 09, 2026

P.C. :

. This writ petition has been pending since last year without any effective hearing and hence, it is taken up in the category of ‘fresh matters’.

2. Upon hearing the learned counsel for the parties, we find that the petitioner bank is aggrieved by order dated 10.07.2025 passed by Debts Recovery Appellate Tribunal (DRAT), whereby, while holding that since respondent No.1 is a third party, he is not required to make any pre-deposit, the DRT has proceeded to defer the exercise of taking physical possession of the subject property till the next date of hearing. The said interim direction has continued to operate and we are informed that the said appeal filed by respondent No.1 before the DRAT along with pending application is now listed for consideration on 21.01.2027.

3. The learned counsel for the petitioner bank is making an endeavor to demonstrate, on the basis of documents filed with this petition, that the interim direction given in the impugned order is not justified and that the DRAT erred in granting such a direction.

4. We are of the opinion that the aforesaid issue can very well be examined by the DRAT and the parties can place on record further affidavits and documents. This is also indicated in the impugned order passed by the DRAT and also in the light of an earlier order dated 07.07.2025 passed in the pending appeal.

5. The learned counsel for respondent No.1 submits that the petitioner bank has not filed its reply affidavit in the appeal. In that light, a statement is made on behalf of the petitioner bank that the reply affidavit can be filed at the earliest.

6. We are of the opinion that the DRAT should undertake the exercise of examining the rival submissions on the basis of documents and material on record, and that the writ petition can be disposed of by issuing appropriate directions.

7. In view of the above, the writ petition is disposed of by directing the petitioner bank to file its detailed affidavit and all necessary documents in the pending appeal before the DRAT within three weeks from today. Rejoinder affidavit, if any, shall be filed by respondent No.1 (appellant before the DRAT) within two weeks thereafter.

8. The DRAT shall make an endeavor to dispose of the pending appeal along with the applications on the next date of listing i.e. on 21.01.2027 and in any case, within two weeks of the said date.

9. Pending applications, if any, in this petition also stand disposed of.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)