

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

**INTERIM APPLICATION (ST.) NO. 20688 OF 2026
IN**

WRIT PETITION NO. 7595 OF 2026

Dombivli Nagari Sahakari Bank Ltd.,
through its Authorized Shashikant S. Gawade ... Applicant/
Versus ... Petitioner
The State of Maharashtra & Ors. ... Respondents

**WITH
WRIT PETITION NO. 7595 OF 2026**

Mr. Prafull Chipte i/by Ms. Medha Rane for Applicant/Petitioner.
Mr. S. P. Kamble, AGP for Respondent-State.
Ms. Drushti Gala a/w Mr. Durren Kaskar, Mr. Paresh Joshi for
Respondent Nos.7 to 9.
Mr. Sudhakar Mogal, Respondent No.7, Present.
Mrs. Sunanda Baviskar, Respondent No.9, Present.

**CORAM : MANISH PITALE AND
SHREERAM V. SHIRSAT, JJ.
DATE : 21st OCTOBER 2026**

P.C. :

. In this petition, on 21st August 2026, this Court had passed a detailed order recording the fact that the respondent Nos.4 to 6 had illegally trespassed into the secured asset, despite the petitioner-bank (secured creditor) being put in possession of the subject property in pursuance of earlier order dated 6th July 2026. It was brought to the notice of this Court that respondent Nos.7 to 9, claiming to be associated with one 'Krantikari Shetkari Sanghatana' had actively assisted the respondent Nos.4 to 6 (borrowers) in undertaking such illegal activity.

2. In that light, this Court issued specific directions for the

possession of the secured asset to be restored to the petitioner-bank on 27th August 2026 and contempt notices were issued to respondent Nos.4 to 9, calling upon them to show cause as to why action should not be taken under the provisions of the Contempt of Courts Act, 1971.

3. On 7th September 2026, when the notice was returnable, it was reported to this Court that the possession of the secured asset had been restored to the petitioner-bank in terms of the directions issued in the order dated 21st August 2026. The respondent Nos.4 to 6 appeared through Counsel and tendered an affidavit of unconditional apology. The same was taken on record. But, the respondent Nos.7 to 9 did not remain present, despite the notices being served upon them. In that view of the matter, bailable warrants in the sum of Rs.10,000/- each were issued against the respondent Nos.7 to 9, returnable on 22nd September 2026. Subsequently, on 22nd September 2026, the petition was directed to be listed today.

4. Today, when the petition is called out for hearing, Ms. Gala, learned counsel appeared on behalf of respondent Nos.7 to 9 and tendered an affidavit of unconditional apology. It was submitted that while respondent Nos.7 and 9 are personally present in Court, respondent No. 8 could not remain present, as he was admitted in hospital about two days ago. The learned counsel appearing for respondent Nos.7 to 9 submitted that this Court may consider taking the affidavit of unconditional apology on

record and after accepting the same, may consider discharging the notices issued against the said respondents. The said affidavit is taken on record. We have perused the contents thereof and we find that apart from tendering an unqualified and unconditional apology for their conduct, respondent Nos.7 to 9 have given the following undertaking in the said affidavit :

“5. We undertake to this Hon’ble Court that, henceforth, we shall strictly abide by all orders and directions passed by this Hon’ble Court.”

5. In view of the apology tendered on behalf of the said respondents and the undertaking given in paragraph 5, quoted hereinabove, we are inclined to show indulgence to the said respondents. As a matter of fact, since the affidavit of unconditional apology of respondent Nos.4 to 6 was already taken on record on earlier date of listing, we are inclined to drop the contempt proceedings against the respondent Nos.4 to 9. We direct the said respondents to abide by the undertakings given to this Court and in the event, any breach thereof is pointed out to this Court, the contempt proceedings shall be revived.

6. In view of the above, the writ petition is disposed of and the notices of contempt issued against respondent Nos.4 to 9, are dropped.

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

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)