

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

WRIT PETITION NO. 13153 OF 2026

Kishore Shantilal Gandhi & Ors. ... Petitioners
Versus
Punjab National Bank ... Respondent

Mr. Charles Desouza a/w Mr. Puneet Gogad, Mr. Rupak Sawangikar and Ms. Pragati Gothi i/by Puneet Gogad for Petitioners.

Ms. Sudha Koloti a/w Adv. Madhulika for Respondent-Bank.

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

DATE : 7th OCTOBER 2026

P.C. :

. This writ petition is filed by the auction purchaser, who purchased the secured asset in an auction sale conducted by the respondent-bank (secured creditor). It is an admitted position that the entire amount was deposited and a sale certificate was issued in favour of the petitioners, way back on 23rd November 2020. It is also undisputed that the sale certificate has been registered.

2. The borrowers had approached the Debts Recovery Tribunal (DRT) challenging the actions undertaken by the respondent-bank. Upon the challenge failing, the borrowers had approached the Debts Recovery Appellate Tribunal (DRAT). Their appeal was dismissed. The borrowers have filed Writ Petition No. 9746 of

2026 to challenge the judgment and order dated 23rd July 2026 passed by the DRAT. In the said writ petition, by a detailed order dated 2nd September 2026, this Court rejected interim reliefs. The said order was challenged on behalf of the borrowers by filing Special Leave Petition before the Supreme Court, which was disposed of by giving an opportunity to the borrowers to again approach this Court for interim reliefs, as the actual physical possession of the secured asset was yet to be taken by the respondent-bank.

3. On a further application made by the borrowers, on 9th September 2026, this Court found that there was no change in circumstance and therefore, the prayer for interim relief was rejected.

4. The borrowers again challenged the said order dated 9th September 2026 by filing Special Leave Petition (Civil) No. 33254 of 2026 before the Supreme Court.

5. By an order dated 21st September 2026, the Supreme Court disposed of the Special Leave Petition by passing the following order :

“1. We have heard Mr. Mukul Rohatgi, learned Senior Counsel for the petitioners.

2. Regardless of the impugned order dated 09.09.2026, declining ad interim injunction to the petitioners, we are inclined to grant them one more opportunity. To this effect, if the petitioners deposit an additional sum of Rs.3 crores with the High Court of Bombay, without prejudice to the legal rights of the parties, the High Court may direct the parties to

maintain status quo re: subject property comprising the residential flat.

3. The High Court will entertain the second application for interim relief only when the petitioners deposit the above-stated amount with the Registry of the High Court.

4. The Special Leave Petition is, accordingly, disposed of.

5. All pending applications, if any, also stand disposed of.”

6. It is an admitted position that the borrowers failed to deposit the amount of Rs.3 crores, set down as a condition by the Supreme Court for this Court to consider a further plea for interim relief that could have been moved by the borrowers. It is to be noted that in the meanwhile, the physical possession of the secured asset was taken on 9th September 2026 itself and presently, the possession of the secured asset is with the respondent-bank.

7. We are of the opinion that since there is no interim relief from any Court or Tribunal, restraining the handing over of the physical possession of the secured asset to the petitioners (auction purchasers), the present writ petition can be disposed of by issuing appropriate directions to the respondent-bank.

8. At this stage, the learned counsel for the respondent-bank submits that there are certain belongings of the borrowers lying in the secured asset, which the respondent-bank will remove and keep in a warehouse. It is stated that in such a situation, the physical possession of the secured asset could be made over to the petitioners.

9. Considering the statement made on behalf of the

respondent-bank, the writ petition is disposed of, by directing that physical possession of the secured asset shall be handed over to the petitioners (auction purchasers) within one week from today. The belongings of the borrowers shall be removed by the respondent-bank and kept in a warehouse. Thereupon, notice shall be issued to the borrowers to take away their belongings.

10. We record that, in the facts and circumstance of the present case, the borrowers are not required to be made parties, particularly because their Writ Petition No. 9746 of 2026 is listed today before this Court, which is being set down for hearing.

11. The learned Senior Counsel appearing for the borrowers in Writ Petition No.9746 of 2026 made an attempt to raise an objection in this writ petition for the borrowers being made parties.

12. But, considering the limited prayer of the petitioners in this petition being auction purchasers, for a direction to the respondent-bank to hand over the possession of the secured asset, which is already in possession of the bank, we find no reason to postpone passing orders in this writ petition, only on the ground that the borrowers have not been parties to the same. In any case, this is a consequential direction. The borrowers will certainly be heard in their Writ Petition bearing No. 9746 of 2026.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)