IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.13877-13878 OF 2026
(Arising out of S.L.P.(Civil) Nos.32164-32165 of 2026)

SARITA SHAILENDRA TIWARI & ANR. ... APPELLANT(S)

VS.

AXIS BANK LIMITED ... RESPONDENT(S)

O R D E R

1. Leave granted.

2. Heard Mr. Arijit Prasad, learned senior counsel appearing for the appellants and Mr. Anupam Lal Das, learned senior counsel appearing for the respondent-Bank and Mr. Naveen Chomal, learned counsel appearing for the intervenor/auction purchaser.

3. The present appeals call in question the correctness of the orders dated 5th August, 2026 and 18th August, 2026 passed by the High Court of Judicature at Bombay in Writ Petition No.9738 of 2026.

4. The appellants availed credit facility from the respondent-Bank in the year 2021. Since there was default, on 18th September, 2025, the bank issued a notice under Section 13(2) of the Securitisation and

Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, "the Act").

5. It is not disputed before us that after a Section 13(2) notice, demanding a sum of Rs.4,01,36,821, on 10th January, 2025, the bank took symbolic possession under Section 13(4) of the Act.

6. Thereafter, the appellants filed a Securitisation Application being SA No. 578 of 2025 before the Debts Recovery Tribunal-III, Mumbai (for short, "the DRT") challenging the demand notice dated 15th July, 2025, the possession notice dated 10th October, 2025, and the then subsisting auction sale notice of 12th November, 2025.

7. The Section 14 application of the bank was allowed on 05th January, 2026 by the Additional District Magistrate and ultimately on 20th May 2026, pursuant to directions in a writ petition by the High Court and physical possession was also taken by the bank. It is not disputed that the possession, as on date, is with the respondent-bank.

8. When matters stood thus, on 19th June, 2026, the appellant filed IA No. 2277 of 2026 seeking amendment in the pending Securitisation Application challenging the proceedings under Section 14 and the order dated 5th January, 2026 of the Additional District Magistrate. On 11-07-2026, the appellants/borrowers filed IA No. 2575 of

2026 seeking amendment in the pending Securitisation Application to *inter alia* place valuation, reserve price, and certain other incidental matters. On 20th July, 2026, the DRT allowed the application seeking amendment, so as to bring on record the proceedings under Section 14 of the Act.

9. On 5th August, 2026, the respondent-bank filed a Writ Petition, namely, Writ Petition No.9738 of 2026 before the High Court challenging the amendment, as ordered on 20th July, 2026.

10. On 5th August, 2026, the first of the two impugned orders was made, wherein the High Court, on the ground that the amendment order was without jurisdiction and moved without condonation of delay application, went on to stay the proceedings in Securitisation Application No.578 of 2025.

11. Further, on 18th August, 2026, by the second impugned order, the High Court directed that steps taken pursuant to the auction sale notice which had since been issued on 24th June, 2026 would be subject to the outcome of the Writ Petition.

12. On 20th August, 2026, the bank proceeded with the auction and confirmed the sale in favour of the successful bidder, namely Bhavik Choudhary, who is represented before us through learned counsel Shri Naveen

Chomal.

13. On 8th September, 2026, the respondent-bank has issued sale certificate in respect of the mortgaged property.

14. The appellants challenged the impugned orders before this Court. When these matters came up before this Court, on 10th September, 2026, we ordered *status quo* with regard to nature, title, and possession of the suit property, while issuing notice.

15. Today, we have heard learned senior counsel for the parties and learned counsel for the intervenor.

16. The situation, as on today, is that auction is complete, but the possession is with the respondent-bank. The securitisation proceedings filed by the appellants, namely Sarita Shailendra Tiwari and Shailendra Indramani Tiwari are pending before the DRT. The appellants propose to challenge the auction by impleading the auction purchaser.

17. We grant the appellants one week's time to do the needful.

18. Keeping in view the overall facts and circumstances in mind, we are of the opinion that the DRT should be directed to dispose of Securitisation Application No. 578 of 2025 pending before it within a period of ten weeks from today.

19. Pending the disposal, the respondent-bank will continue to retain possession. Considering the nature of the order made by us, nothing survives for adjudication in Writ Petition 9738 of 2026 pending before the High Court. The said Writ Petition will also stand disposed of in terms of this order.

20. All rights and contentions of parties are left open.

21. We also make it clear that the DRT will hear the Securitisation Application No. 578 of 2025 and all other pending applications in the amended form, as amended by the order of 20th July, 2026. We make it clear that amendment which was allowed will stand.

22. The parties to file responses within two weeks from today.

23. Let the entire matter be disposed of within a period of 10 weeks from the date of receipt of the order.

24. In view of this, we set aside the impugned orders of the High Court and treat Writ Petition 9738 of 2026 as disposed of in terms of this order.

25. The appeals are disposed of in the above terms. There shall be no order as to costs.

.....J.
(K.V.VISWANATHAN)

.....J.
(ARUN PALLI)

NEW DELHI;
October 13, 2026

ITEM NO.28 COURT NO.12 SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).32164-32165/2026

[Arising out of impugned final judgment and orders dated 05-08-2026 and dated 18-08-2026 in WP No. 9738/2026 passed by the High Court of Judicature at Bombay]

SARITA SHAILENDRA TIWARI & ANR. Petitioner(s)

VERSUS

AXIS BANK LIMITED Respondent(s)

(IA No. 273294/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 273293/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 13-10-2026 These matters were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE K.V. VISWANATHAN
HON'BLE MR. JUSTICE ARUN PALLI

For Petitioner(s) :
Mr. Arijit Prasad,Sr.Adv.
Mr. Krishan Kumar- 1742, AOR
Mr. Nitin Pal,Adv.
Mr. Deepak Kumar,Adv.
Mr. Ankit Anil Kumar Singh,Adv.

For Respondent(s) :
Mr. Anupam Lal Das, Sr. Adv.
Mr. Anupam Singh- 3182, AOR
Mr. Anirudh Singh, Adv.

Mr. Naveen Chomal,Adv.
Ms. Kiran Shetty,Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.

2. The appeals are disposed of in terms of the signed order.

3. Pending applications shall stand disposed of.

(ANITA MALHOTRA)
DEPUTY REGISTRAR

(NIKITA SINGH)
COURT MASTER

(Signed order is placed on the file.)