



**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

**BEFORE
HON'BLE SHRI JUSTICE VIVEK RUSIA
&
HON'BLE SHRI JUSTICE GAJENDRA SINGH
ON THE 6th OF MAY, 2025
MISC. PETITION No. 2106 of 2025
MMRS. RAGINI SANDESH VERMA AND OTHERS
Versus
THE PO DEBT RECOVERY TRIBUNAL AND OTHERS**

Appearance:

Petitioner No.1 Ragini Sandesh Verma and Petitioner No.2 – Sandesh Kumar are present in person.

Shri Sudeep Bhargava – Dy. Advocate General for the respondent / State.

**WRIT PETITION No. 14234 of 2025
SANDESH KUMAR AND OTHERS
Versus
THE ADDITIONAL COLLECTOR JYOTI SHARMA**

Appearance:

Petitioner No.1 Ragini Sandesh Verma and Petitioner No.2 – Sandesh Kumar are present in person.

Shri Sudeep Bhargava – Dy. Advocate General for the respondent / State.

ORDER

Per: Justice Vivek Rusia

With regard to the similitude of the controversy involved in the present Misc. Petition No.2106 of 2025 and Writ Petition No.14234 of 2025, both the cases are being heard analogously and decided by this common order.

**In Misc. Petition No.2106 of 2025:**

02. Heard on the question of admission and interim relief.

03. Petitioners have filed the present petition seeking grant of stay till the application filed under Section 17 of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred as “SARFAESI Act”) is finally decided by the Debt Recovery Tribunal, Jabalpur. The petitioners are also seeking direction to the respondent No.2 to not to proceed further in the pending case No.0131/B-121/2024-25 and not to take any coercive action.

04. The petitioners took a home loan of Rs.33,06,400/- from the ICICI Bank vide agreement dated 02.11.2023 at an interest rate of 8.75% per annum. According to the petitioners, they are regularly paying the EMI despite that the bank has issued a possession notice under Section 13(4) of SARFAESI Act on a mortgaged property situated at Plot No.46, Redwood Park, Indore – 453331. Being aggrieved by the aforesaid action, the petitioners approached the DRT Jabalpur by way of an application under Section 17(1) of SARFAESI Act. The application is registered as SA No.749/2024 in which the DRT has issued a notice. Meanwhile, the Authorized Officer of ICICI Bank has approached the Additional District Magistrate Indore under Section 13(4) of the SARFAESI Act seeking assistance for taking possession of mortgaged property. The ADM, Indore has registered a case on 26.09.2024 and issued notice to the petitioners. The petitioners have appeared and filed the reply. The petitioners have approached this Court by way of present Misc Petition No.2106 of 2025 on the ground that the DRT Jabalpur is not hearing the application for stay since last one year and the bank is going to take physical possession by obtaining the order from the



District Magistrate, therefore, the interim protection be granted to the petitioners.

In Writ Petition No.14234 of 2025:

05. The petitioners have also filed this Writ Petition No.14234 of 2025 under Article 226 of the Constitution of India seeking multiple reliefs against ICICI Bank, Court Staff and Advocate representing the ICICI Bank and cognizance on complaint submitted to the Collector, etc. The petitioners are not disputing that they have taken a loan from the ICICI Bank.

06. According to the petitioners, they are regularly paying the EMI and there is no default on their part despite that the ICICI Bank has wrongly initiated the proceedings under the SARFAESI Act.

We have heard the petitioners present in person at length.

07. The petitioners have produced the photographs of the bank account statements from 24.02.2023 to 24.02.2025 to show that the EMIs are regularly being paid. The loan has been obtained by the petitioner No.1 only. Sandesh Kumar who is husband of the petitioner No.1 has unnecessarily joined in this petition as a petitioner No.2. Both the petitioners jointly submit that they are not getting any justice from anywhere, they are regularly going to the Tribunal all the way from Pune to Jabalpur, but there is no progress in the case till date.

08. The petitioner No.1 is representing her case with the help of her husband before the ADM and DRT without taking any legal advice from an Advocate, thus, they cannot blame the Tribunal and the Authorities that they are not hearing the matter. It is not a case where the petitioners are not financially well to get a legal advice. The petitioners have already approached the DRT by way of securitization application and they have also filed an application for interim relief, therefore, it would



not be proper to entertain the miscellaneous petition before this Court.

09. So far as the writ petition is concerned, the proceedings before the Additional District Magistrate under Section 13(4) of SARFAESI Act are still pending, the petitioners have already filed the reply, therefore, no case for interference is made out in the writ petition.

10. In view of the above, **Misc. Petition No.2106 of 2025** and **Writ Petition No.14234 of 2025** are **dismissed** with a liberty to the petitioners to make a request to the Presiding Officer of the Debt Recovery Tribunal, Jabalpur for taking up the application for stay.

11. Let a photocopy of this order be kept in the record of Writ Petition No.14234 of 2025.

(VIVEK RUSIA)
JUDGE

(GAJENDRA SINGH)
JUDGE

Divyansh