

Ashwini Kisan Patil and another	...	Petitioners
Vs.		
Abhyudaya Co-operative Bank Limited	...	Respondent

Mr. A. V. Anturkar, Senior Advocate i/b. Mr. Prathmesh Bhargude for
Petitioners.
Mr. Madhur Rai for Respondent.

CORAM : R. G. KETKAR, J.
DATE : 9TH JULY, 2015

Heard Mr. Anturkar, learned Senior Counsel for petitioners and Mr. Rai, learned Counsel for respondent.

2. Mr. Anturkar states that petitioner No.2 Kisan Sahebrao Patil is present in the Court, who is a Power of Attorney Holder of petitioner No.1. He has tendered affidavit sworn by Mr. Kisan S. Patil. The same is taken on record and marked 'X' for identification. In paragraph 2 of the affidavit, petitioners have shown readiness and willingness to pay various amounts stated therein. In paragraph 3, petitioner No.2 has undertaken to make the payments and further stated that in the default of two consecutive installments will entitle the respondent Bank to recover the remaining amount on the date of default and to take such steps as per law to sell the suit flat, which is already attached. In paragraph 4, it is stated that petitioners will not create third party interest in respect of the suit flat. The undertaking and the statements made in paragraphs 2 to 4 are accepted.

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Court in pursuance of the order dated 05.12.2014 passed by this Court in Writ Petition (St.) No.3187 of 2014 and the respondent may be permitted to withdraw that amount. He further states that respondent may also be permitted to withdraw the amount deposited in the Executing Court. Mr. Anturkar has no objection for respondent withdrawing amount of Rs.5 lacs deposited in this Court as also the amount deposited in the Executing Court unconditionally.

4. The learned Counsel appearing for the parties submit that Petition may be disposed of in terms of the affidavit of petitioner No.2.

5. In view thereof, Petition is disposed of by accepting the statements made in the affidavit made by petitioner No.2. Respondent Bank is permitted to withdraw amount of Rs.5 lacs deposited in this Court as also the amount deposited in the Executing Court, unconditionally.

(R. G. KETKAR, J.)

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