

mm

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**EXECUTION APPLICATION NO. 728 OF 2013
IN
ARBITRATION PETITION NO. 180 OF 2011**

Pavitra Kumar Upendra Sahu ...Claimant

Vs.

Nandan Gangaram Gopale ...Respondent

Mr. Ajay Prajapati i/b. Mr. Suresh Dubey for the Respondent

CORAM : MRS. ROSHAN DALVI, J.

DATED : 9TH MARCH, 2015

P.C. :

1. Parties had tendered consent terms in respect of the suit property. The Court desired to see how Allahabad Bank, which earlier had a mortgage in respect of the suit property, has been paid off. The respondent / defendant has produced a photocopy of the ledger account of Kalbhairavanath Sahakari Pathsanstha Maryadit, Bhatwadi showing an entry dated 4th June, 2014 transferring Rs.8,09,500/- to Allahabad vide cheque No. 006383. The respondent / defendant has also produced a certificate of Allahabad Bank certifying that Loan Account No. 50035146663 of the respondent is closed on 10th June, 2014 upon payment of Rs.8,09,000/-by the cheque issued by the aforesaid bank Kalbhairavanath Sahakari Pathsanstha Maryadit, Bhatwadi. The respondent

has also produced his statement of account from Allahabad Bank showing the discharge / transfer dated 10th June, 2014 upon crediting Rs.8,08,929/-. The aforesaid documents are taken on record. It is prima facie seen that the loan of Allahabad Bank is discharged. Hence the parties are allowed to file the consent terms which were tendered on 4th March, 2015.

2. There shall, therefore, be an order and decree in terms of the consent terms dated 4th March, 2015.
3. Undertakings, if any, in the consent terms are accepted.
4. It is clarified that no person or bank other than the parties to the execution application are bound by the consent terms.
5. The consent terms are, therefore, taken on record and marked "X" for identification.
6. The Execution Application is disposed off accordingly.
7. A copy of the PAN card and photocopy of election card of the parties are now handed back to the parties.

(ROSHAN DALVI, J.)