

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.3353 OF 2015

[Sadhana Sahakari Bank Limited .vs. The District Collector/District Magistrate, Collectorate Building,
Civil Lines, Nagpur and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri D.N. Dani, counsel for the petitioner,
Ms. N.P. Mehta, AGP for the respondent no.1,
Shri R.H. Agrawal, counsel for the respondent nos.2 to 6.

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CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATED : OCTOBER 14, 2015.

Heard.

Since we were inclined to allow the writ petition and set aside the order of the Executive Magistrate, the learned counsel for the respondents states that one of the co-owners, the father of the respondent nos.3 and 4 and the husband of the respondent no.2, has expired during the pendency of the proceeding and the respondents are ready to enter into a settlement with the bank. It is stated that the respondent nos.2 to 6 are ready to give up their property i.e. three open plots, that are mortgaged with the petitioner-bank for clearing the dues (after negotiations) that are payable in terms of the transaction. It is stated that the respondents would repay the entire amount to the bank as early as possible and positively within a period of three months. It is stated that if the amount due is not paid to the petitioner-bank, within a period of three months, the bank may initiate proceedings for possession of the house property i.e. the subject matter of this petition.

The parties agree that the impugned order would not operate and the petitioner-bank would be free to take appropriate proceedings for securing the possession of the property in accordance

with law.

Shri Dani, the learned counsel for the petitioner, states that the grievance of the petitioner stands redressed at this stage in view of the statements made on behalf of the respondent nos.2 to 6.

By accepting the statements made on behalf of the respondent nos.2 to 6, which would be binding on them, the writ petition is disposed of, with no order as to costs.

JUDGE

JUDGE

Gulande