

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1945 OF 2016

SHIVLING SAMBHAJI DULLEWAD AND ANOTHER
VERSUS
LATUR URBAN CO OPERATIVE BANK LTD THROUGH ITS MANAGER
AND OTHERS

...

WITH
WRIT PETITION NO. 2020 OF 2016

VIJAYLAXMI SHIVLING DULLEWAD AND ANOTHER
VERSUS
LATUR URBAN CO OPERATIVE BANK LTD THROUGH ITS MANAGER
AND OTHERS

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Advocate for Petitioners Mr. Patil Indrale Anand V.
Advocate for Respondents 1 and 2: Mr. Swapnil S. Rath
AGP for Respondents 3 and 4: Mr. S.N. Kendre

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CORAM : V. K. JADHAV, J.
DATED : 1st MARCH, 2016

PER COURT:-

1. Learned counsel for the petitioners in both the petitions submits that on 29.2.2016 the petitioners have deposited an amount of Rs.10,00,000.00 (Rupees Ten lacs) in the saving bank account of the petitioner Nos. 1 and 2 with respondent No.1 bank. Learned counsel of the petitioners submits that petitioner viz. Shivling Sambhaji Dullewad has filed an affidavit for himself and on behalf of his wife, who is petitioner No.2 in writ petition No. 1945 of 2016 and petitioner No.1 in writ petition No. 2020 of 2016. The said affidavit is taken on record and marked "X" for identification.

2. Learned counsel for the petitioners submits that the respondent Nos. 1 and 2 are permitted to credit the said amount of Rs.10.00 lacs to the loan account of the petitioners. Counsel further submits that the petitioners are ready and willing to deposit the remaining amount of loan as per the recovery certificate, up to 31.3.2016 with respondent Nos. 1 and 2. Learned counsel for respondent Nos.1 and 2, on instructions, also accepts the same. Learned counsel for the petitioners submits that after depositing entire amount, respondents shall cancel auction proceeding of immovable property owned and possessed by the petitioners pursuant to the auction notice dated 23.1.2016 and upon deposit of entire loan amount, as per the recovery certificate, issue no dues certificate to the petitioners.

3. Learned counsel appearing for respondent Nos. 1 and 2, on further instructions, also accepts the same on condition that whatever the amount due and outstanding, as on the date of deposit of the remaining amount, if cleared by the petitioners, the auction proceeding of their immovable property, pursuant to the auction notice dated 23.1.2016, will be cancelled and accordingly no dues certificate would be issued to them.

4. In the light of above statement, both the writ petitions are disposed of. No costs.

(V. K. JADHAV, J.)

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