

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.9333 OF 2017**

Siddeshwar Mahadeo Chauhan  
Proprietor of Shriram Service Centre .. Petitioner  
Vs.  
The Divisional Joint Registrar Co-operative  
Societies, Pune Division, Pune & Ors. .. Respondents

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Mr.S.S. Kanetkar for the petitioner.  
Mr.S.D. Rayrikar, AGP for the respondent nos.1 & 4.  
Mr.Surel Shah for the respondent no.5.

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**CORAM : R.D. DHANUKA, J.  
DATE : 14<sup>th</sup> December 2017**

**P.C.:**

. Mr.Kanetkar, learned counsel for the petitioner, on instructions from the petitioner who is present in Court, states that his client is ready and willing to pay Rs.80 lakh to the respondent no.5 in full and final settlement for setting aside the auction sale conducted by the respondent no.1 in respect of the flat in question on or before 5<sup>th</sup> January 2018. Statement made by the learned counsel is accepted as and by way of an undertaking to this Court.

2. Mr.Shah, learned counsel for the respondent no.5 has no objection if the amount of Rs.80 lakh is paid by the petitioner in full and final settlement for setting aside the auction sale in favour of his client if the amount is paid on or before 5<sup>th</sup> January 2018. Statement is accepted.

3. It is made clear that if the aforesaid amount is not paid to the respondent no.5 by the petitioner on or before 5<sup>th</sup> January 2018, Writ

Petition No.9333 of 2017 filed by the petitioner to stand dismissed without further reference to the Court. If the amount is paid within the time stipulated, auction sale dated 23<sup>rd</sup> February 2016 in favour of the respondent no.5 to stand set aside.

4. Mr.Nitin Balkrishna Ughade, General Manager of the respondent no.2-Bank, who is present in Court, states that the bank has no claim of any nature whatsoever against the petitioner and also in respect of flat in question. Statement is accepted.

5. Writ petition is disposed of in aforesaid terms. No order as to costs. Place the matter on board for 'Recording of compliance' on 8<sup>th</sup> January 2018.

***R.D. DHANUKA, J.***