

IN THE HIGH COURT OF BOMBAY AT GOA.
CRIMINAL MISC. APPLICATION NO. 207 OF 2018
AND
STAMP NUMBER MAIN NO. 2296 OF 2017

SALMA KHAN AND ANR.,

... Applicants.

Versus

THE MANAGER J AND K BANK, NATIONAL
BUSINESS CENTRE AND 3 ORS.,

... Respondents

Ms. Asha A. Desai, Advocate for the Petitioners.

Mr. U.R. Timble and Ms. Y. Mandrekar, Advocates for the
Respondents.

Coram:- SHANTANU S. KEMKAR &
C. V. BHADANG, JJ.

Date:- 14th August 2018

P.C.

Parties through their Counsel. With consent heard finally.

2. It is pointed out by the learned Counsel appearing for the Respondent nos.1 and 2 that as on date approximately Rupees ten lakhs including interest and the costs is due and recoverable from the Petitioners as outstanding of the loan amount advanced to them.

3. The learned Counsel for the Petitioners on instructions from the Petitioners who are present in person submitted that the

Petitioners are ready and willing to deposit the entire amount as claimed by the Respondent nos.1 and 2, however, liberty may be granted to the Petitioners to make a representation with regard to claim of the Respondents, as according to them, the amount as calculated by the Respondent nos.1 and 2 Bank to the tune of approximately Rupees Ten Lakhs is not correct and amount which is actually payable is much lesser.

4. Be that as it may, in view of the fact that on 27.7.2017, the Petitioners had given undertaking to this Court and the prayer for extension of time to deposit the amount was not granted. We feel it appropriate to dispose of this petition as agreed by the Respondent nos.1 and 2 Bank by directing the Petitioners to deposit the amount of Rupees ten lakhs within three weeks from today with further liberty to the Petitioners to make a detailed representations with supporting documents stating therein that show the computation of amount made by Respondent nos.1 and 2 is not correct.

5. On receipt of such representations, the Respondent nos.1 and 2 shall examine the same and take decision as to what amount is payable by the Petitioners. The amount as may be found actually payable be informed to the Petitioners. If any amount is found to be refundable the same be refunded to the Petitioners immediately.

6. It is made clear that if the Petitioners are aggrieved by the fresh computation, it will be open for them to challenge the said computation/calculation by way of appropriate proceedings before the appropriate forum, in accordance with law.

7. We further direct that on deposit of the amount of Rupees ten lakhs as aforesaid, the title documents of the property which are in possession of the Respondent nos.1 and 2 Bank be returned to the Petitioners immediately.

8. With the aforesaid directions, Writ Petition is disposed of.

C. V. BHADANG, J.

SHANTANU S. KEMKAR, J.

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