

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

WRIT PETITION (ST) NO. 15850 OF 2018

Pramod Amarshibhai Patani

...Petitioner

vs.

*State of Maharashtra through Pydhonie
Police Station & anr.*

...Respondents

Mr. Sohil Ebrahim S. Kazi for the Petitioner.

Ms. Jyoti P. Jadhav, AGP for Respondent No.1/State.

Mr. O.A. Das for the Respondent No.2-Bank.

**CORAM : A.A. SAYED &
M.S. KARNIK, JJ.**

DATE : AUGUST 10, 2018

P.C.:

*Learned Counsel for the Petitioner has tendered an
Undertaking of the Petitioner which states as follows :-*

"1. Petitioner has decided to put an end to all the disputes with Respondent No.2 and buy peace.

2. Petitioner confirms and undertakes to this Hon'ble Court to pay an aggregate amount of Rs.8,88,741.65/- [Rs.2,88,741.65 in relation to Account No. 000130110000029 held in the name of M/s. Patani Cloth Merchant, Sole Proprietary concern of the Petitioner and Rs.6,00,000/- in relation to Account No.000162610000049 held in the name of the Petitioner] to Respondent No.2 by way of full and final settlement of all its liabilities towards the abovementioned two Accounts, within 2 months as stated below.

3. Petitioner has tendered a cheque being Cheque No.000032 dated 10.8.2018 amounting to Rs.1,38,741.65 drawn on UCO Bank, Mandvi Branch, Mumbai - 400 003 in favour of Respondent No.2 towards payment of the abovementioned amount.

4. Petitioner shall pay the remaining amount to the Respondent No.2 as follows :-

- a. Rs.3,75,000/- on or before 15.9.2018 ; and*
- b. Rs.3,75,000/- on or before 15.10.2018."*

2. *The schedule of payments as referred in the aforesaid Undertaking has been accepted by the Respondent - Bank. Learned Counsel for the Petitioner has handed over the cheque of today's date i.e. 10th August, 2018 of Rs.1,38,741.65 to learned Counsel for the Respondent - Bank in Court.*

3. *In view of the above, we dispose of the Petition by accepting the Undertaking. We record the statement of the learned Counsel for the Petitioner that the Petitioner shall hand over two post dated cheques of the amount of Rs.3,75,000/- dated 15/9/2018 and the amount of Rs.3,75,000/- dated 15/10/2018 to the Respondent - Bank by 15/10/2018. We make it clear that in the event of any default of payment of the amounts under the Undertaking or any cheque being returned dishonoured, the Petitioner shall voluntarily hand over the possession of the Flat No. 801 in question.*

4. *We also record the statement of learned Counsel for the Petitioner that the Petitioner shall withdraw the Securitisation Application No. 23 of 2018 which is pending before the Debts Recovery Tribunal at the earliest.*

5. *In the event the amounts are paid and received in terms of the Undertaking, the Respondent - Bank shall hand over the original "Title*

Deeds” as well as “No Due Certificate” to the Petitioner by 31st October, 2018.

6. *Accordingly, the Petition is disposed of.*

(M.S. KARNIK, J.)

(A.A. SAYED, J.)