

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION (ST) NO.17723/2018

Swati Thombre & Anr.

... Petitioners

V/s.

State of Maharashtra & Ors.

... Respondents

Mr. Ojas Deolankar for the Petitioners

Mr. R. S. Ghadage I/b. Appasaheb S. Desai for Respondent No.3.

Mr. Amit Desai for Respondent No.4.

Mr. A. P. Vanarase, AGP for Respondent Nos.1 and 2.

**CORAM: K.K. TATED &
S. K. SHINDE, JJ.**

DATED : SEPTEMBER 27, 2018

P.C. :

1 Heard. Both the counsel submit that the matter is settled out of court. They tendered minutes of order dated 27.09.2018 duly signed by both the parties and their Advocate counsel. Both the counsel submit that the Petitioner and the Manager of Respondent No.4 is present in court.

2 The Petitioner and the Manager of Respondent No.4 entered into witness box. They admit the contents and execution of the consent minutes of order. Same are taken on record and marked "X" for identification.

3 The consent minutes of order read thus:

MINUTES OF ORDER

“1 The Petitioners after filing the present petition have filed undertaking in form of affidavit dated 18.08.2018 with annexures A & B thereby agreeing to pay a sum of Rs.5,00,000/- as on 31.07.2018 together with interest at the rate of 15% p.a. in full and final settlement of the loan account No.LAABN/140 with Respondent No.4 Bank as per schedule of repayment at Annexure B of the said undertaking. The said undertaking is already taken on record.

2 The Respondent No.4 Bank has accepted the said schedule of payment at annexure B of the said undertaking as full and final settlement of the loan account No.LAABN/140. The Respondent No.4 bank further agrees that no amount shall be claimed by the Respondent No.4 Bank over and above the amount mentioned in annexure B.

3 The Respondent No.4 bank further agrees that it shall not take or cause to take any coercive steps against the property described in the petition or any other properties of the petition during till the repayment as per annexure b of the said undertaking.

4 The Petitioners agree that in case any default is committed in repayment of consecutive installments of amount as per annexure B of the said undertaking, the Respondent No.4 shall be at liberty to execute the recovery certificate in accordance with law and to attach the property mentioned in the suit for realization of the overdue amount of default.

5 On making the entire payment as per annexure B of the said undertaking the Respondent No.4 bank shall furnish no dues certificates and shall execute and register the deed of reconveyance of mortgage at the cost of the Petitioner.”

4 The Writ Petition stands disposed of in terms of the minutes of order. No order as to costs.

(S. K. SHINDE, J.)

(K. K. TATED, J.)