

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9545 OF 2017

WITH

WRIT PETITION NO. 9535 OF 2017

M/s. Shishu Vikas Sanstha & Anr. .. Petitioners
v/s.
Oriental Bank of Commerce and Ors. ..Respondents

Mr. Indrajeet R. Kulkarni for the Petitioners in both Petitions.
Mr. Rafeeq Peermohideen i/b Ms. Sapana Rachure for the
Respondent No. 2 in both Petitions.
Mr. Naresh Tuniya for Respondent No. 2 present in person.

**CORAM : A.A. SAYED &
V.L. ACHLIYA, JJ.**

DATED : 29th June, 2018.

P.C. :

1. Learned Counsel for the parties state that the matter is settled between the parties. They have tendered Minutes of Order dated 29 June 2018 (i.e. today) which is taken on record and marked 'X' for identification.

2. By consent of the learned Counsel for the parties, the following order is passed:

O R D E R

i) The Respondent No.2-Auction Purchaser waives his right over the secured asset in question i.e. Plot No.570, admeasuring 542.4/9 square yards being C.T.S. No.7586, 7587 situated at Suryodaya CHS Ltd., Kher Section, Ambernath (E), District Thane, on receipt of the following amounts:

- a) Rs.1,27,00,000/- alongwith accrued interest lying with the Recovery Officer, DRT. (the said amount of Rs.1,27,00,000/- was deposited by the Respondent No.2-Auction Purchaser towards purchase price in the auction sale)
- b) Rs.17,10,000/- alongwith accrued interest deposited with the Recovery Officer, DRT.
- c) Rs.25,00,000/- alongwith accrued interest deposited with the Registrar, DRT under order dated 4 May 2018.
- d) Rs.7,00,000/- vide demand draft handed over to the Respondent No.2-Auction Purchaser by the Petitioner in Court today.

- ii) The Respondent No.2-Auction Purchaser shall be entitled to withdraw the aforesaid amounts lying with Recovery Officer/DRT.
- iii) On receipt of the said amounts, the Sale Certificate dated 15 October 2012 in favour of the Respondent No.2-Auction Purchaser shall stand cancelled;
- iv) The Respondent No.2 Auction Purchaser shall be entitled to refund of the Stamp Duty paid on the Sale Certificate;
- v) The original title deeds shall be returned to the Petitioner-Society by the Respondent No.1 Bank at the earliest and not later than 6 weeks from today and the property in question shall stand released from mortgage;
- vi) The parties shall withdraw all the proceedings filed by them at the earliest.

3. Both the Writ Petitions are disposed of in above terms.

(V.L. ACHLIYA, J.)

(A.A. SAYED, J.)