

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1979 OF 2018INWRIT PETITION NO. 3774 OF 2018

Reliance Home Finance Ltd.

.....Applicant/
Original Respondent

V/s.

Mr. Uttam Ramnivas Goyal

...Respondent/
Original Petitioner

* * * * *

Mr. R.L. Motwani, Advocate for the applicant.

Mr. P.C. Kansara with Mr. Devanshi K. Sanghvi I/by.
Harsh G. Ganatra, Advocate for the respondent.Coram : K.K. Tated, &Sandeep K. Shinde, JJ.Monday, 24th September, 2018.P.C. :

1. Heard Learned Counsel for the parties.
2. This application is preferred by applicant-

original respondent in disposed off Writ Petition No.

3774 of 2018 for following reliefs :

“A. That pending this Application, this Hon'ble Court may be pleased to direct the Petitioner to hand over the physical possession of the mortgaged property i.e. Flat No. 301, 3rd Floor, Anand Building, Godambe Apartment CHS Ltd, Plot No. 424, Chitrakar Dhurandar Marg, Khar (West), Mumbai-400 052 to the Applicant Company.

B. That in the alternative pending this Application, this Hon'ble Court may be pleased to direct the Court Commissioner Mr. Harshal Damania to provide assistance to the applicant and further direct the concerned Police Station to provide assistance for taking physical possession of the mortgaged property Flat no. 301, 3rd Floor, Anand Building, Godambe Apartment CHS Ltd., Plot No. 424, Chitrakar Dhurandar Marg, Khar (W), Mumbai-400 052.

C. To pass such other/further order(s) as this Hon'ble Court may deem fit and proper in the interest of justice."

3. After hearing both sides for sometime, Mr. Kansara, Learned Counsel for the original petitioner-Uttam Ram Niwas Goyal made a statement that, they are ready and willing to pay the entire amount by way of one-time settlement to the tune of Rs.12 crores to the applicant to close the Loan Account. He further submits that, in case the petitioner fails to pay a sum of Rs.12 crores to the applicant on/or before 3rd October, 2018 the petitioner has no objection to take forcible possession of their suit property by the applicant with the help of police. To that effect, the original petitioner filed affidavit-cum-undertaking dated 24th September, 2018. The same is taken on record and marked 'X' for identification. The undertaking given by the petitioner is accepted.

4. In view of the Affidavit-cum-

Undertaking filed by the present petitioner, Civil Application shall stand disposed off with liberty to the applicant to prefer appropriate application in case of difficulty, if any.

5. It is also made clear that, the concerned Police Station is directed to provide police assistance to the applicant to take forcible possession of the suit property in the present matter in case it is not handed over by the petitioner to the applicant on/or before 3rd October, 2018 by 5.00 p.m. or if he fails to make payment of Rs.12 crores on/or before 3rd October, 2018.

6. If the entire amount is paid within the stipulated time, the applicant-Reliance Home Finance Limited, is directed to return all the original title-deeds to the petitioner immediately thereafter.

(SANDEEP K. SHINDE, J)

(K.K. TATED, J)

Neeta
Shailesh
Sawant

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