

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10531/2018

Dharamraj Nivrutti Jadhav

... Petitioner

V/s.

Sahyadri Sahakari Bank Ltd. & Ors.

... Respondents

Mr. Shailendra S. Kanetkar for the Petitioner

Mr. Sunil A. Humare for Respondent No.1.

Mrs. Sushma S. Bhende, AGP for State.

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

DATED : SEPTEMBER 27, 2018

P.C. :

1 Heard. When this court declined to entertain the Writ Petition, the learned counsel for the Petitioner, after taking instructions from his client, who is present in court, makes a statement that the Petitioner is ready and willing to deposit 25% of the outstanding amount with the Respondent Bank on or before 11.10.2018 and take out appropriate proceedings before the DRAT. To that effect, he has given in writing. Same is taken on record and marked "X" for identification, which reads thus:

"The Petitioner who is present in the court states that the Petitioner is willing to deposit 25% of outstanding amount of 74 lacs on or before 11th October 2018 with the Respondent Bank. The Petitioner seeks leave to withdraw the present petition with liberty to file appeal before DRAT and obtain appropriate orders from the tribunal."

2 In view of these facts, the Respondents are restrained from taking any coercive action against the Petitioner till 12.10.2018. If the Petitioner fails and neglects to deposit 25% out of the outstanding amount as stated hereinabove and obtain any order from the DRAT, the Respondent Bank will be entitled to take forcible possession of the suit property with the help of Police, if required, by following due process of law.

3 Writ Petition stands disposed of as withdrawn. No order as to costs.

(S. K. SHINDE, J.)

(K. K. TATED, J.)