

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.5692 OF 2018

SANJAY GULABRAO SURYAWANSHI
VERSUS
INDUSLAND BANK LTD., DHUE.

WITH
CIVIL APPLICATION NO.11474 OF 2018
IN WP/5692/2018

INDUSLAND BANDK LTD DHULE THROUGH ITS MANAGER
VERSUS
SANJAY GULABRAO SURYWANSHI

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Advocate for the Petitioner/ Judgment Debtor : Shri Paresh B. Patil.
Advocate for the Respondent/ Bank : Shri Narwadkar Mrigesh D.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 18th January, 2019

Per Court:

1 I have heard the learned Advocates for the Petitioner and the Respondent/ Bank on the cause of action raised in the petition and in the civil application.

2 It appears that the Petitioner/ Judgment Debtor and the Respondent-Bank/ Decree Holder are attempting to resolve the issue. The protection ex-parte granted by this Court on 13.06.2018 can be continued for one more month for the parties to decide the terms of settlement of the

loan account and satisfying the decree on mutually acceptable terms. If the negotiations fail, the Executing Court can proceed pursuant to the impugned order dated 25.01.2018.

3 As such, this Writ Petition as well as the Civil Application stand disposed of with the following directions :-

(a) The Decree Holder Bank shall withdraw the amount of Rs.3 lac deposited in this Court along with the accrued interest, if any. The said amount shall be adjusted against the loan account of the Petitioner/Judgment Debtor.

(b) The ex-parte relief granted by this Court (Coram : Sunil P. Deshmukh, J.) dated 13.06.2018 shall continue till 28.02.2019 during which period, the parties can resolve the issue on mutually acceptable terms so as to satisfy the decree.

(c) The protection granted by this Court on 13.06.2018 shall lose its efficacy w.e.f. 01.03.2019 and there shall be no request for extension of the said relief.

(d) In the event the parties are unable to settle the issue and satisfy the decree on mutually acceptable terms, the impugned order of the Executing Court dated 25.01.2018 shall become effective from 01.03.2019.