

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (ST) NO.998 OF 2019

Mrs.Sangeeta Rajendra Deshmukh	...	...Petitioner
v/s.		
Abhyudaya Co-operative Bank Ltd. & ors.		...Respondents

...

Mr.Rahul D.Motkari for the Petitioner.
 Mr.Vishal Ghasalkar for the Respondent-Bank.
 Mrs.Sangeeta Rajendra Deshmukh, the Petitioner is present in Court.

...

CORAM : A.A. SAYED &
A.S.GADKARI, JJ.

DATED : 14 JANUARY 2019

P.C.:

The Petitioner has essentially challenged the order dated 2-01-2019 passed by the DRT, Mumbai in I.A.No.2 of 2019 in S.A.No.218 of 2018.

2. Learned Counsel for the Petitioner states that the Petitioner is willing to pay the entire dues of the Respondent-Bank. The Petitioner has accordingly filed Affidavit-cum-Undertaking, para 3, whereof, reads as follows:

“3. I say that, I i.e. Petitioner undertake to this Hon'ble Court to repay the said amount of Rs.22,50,000/- towards full and final payment in the schedule as mentioned hereunder:

a. Rs.11,25,000/- will be paid by the Petitioner by way of cheque dated 14-01-2019 bearing No.046208 drawn on Bank of Maharashtra, Branch- Jail Road Nashik in favour of

Abhyudaya Co-operative Bank Ltd.

- b. Rs.5,62,500/- will be paid by the Petitioner on or before 14-02-2019.
- c. Rs.5,62,500/- will be paid by the Petitioner on or before 14-03-2019.”

3. Learned Counsel for the Petitioner has handed over to the learned Counsel for the Respondent-Bank a cheque of today's date (i.e. 14-01-2019). Upon request of learned Counsel for the Petitioner, we direct that the said cheque may be deposited by the Respondent-Bank only day after tomorrow i.e. 16-01-2019. We also record the statement of the learned Counsel for the Petitioner that the Petitioner shall withdraw S.A.No.218 of 2018 within a period of two weeks from today.

4. In view of the aforesaid Undertaking, the Respondent-Bank shall defer taking possession of the secured asset (Row House No.7), which is scheduled to be taken tomorrow i.e. 15-01-2019. We record the statement of the learned Counsel for the Respondent-Bank that no amount shall be debited from the account of the guarantor.

5. Accepting the undertaking of the Petitioner, the Petition is disposed of with the aforesaid directions.

(A.S.GADKARI,J.)

(A.A.SAYED, J.)