

rkmore

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1319 OF 2019

Parvati Eknath Kharat] ..Petitioner
v.
The State of Maharashtra & Ors.] ..Respondents.

Mr.Ajit Dilip Hon, for the Petitioner.
Mr.A.P. Vanarase, AGP for Respondent No.1.
Ms.Sangita M. for Respondent Nos.2 and 3.
Mr.Pandit Kasar, for Respondent Nos.4,5 and 6.

**CORAM : INDRAJIT MAHANTY &
A.M. BADAR, JJ.**

DATE : 25th MARCH, 2019.

P.C.

1] Heard learned counsel for the respective parties.

2] It is submitted on behalf of the Petitioner that the matter had been settled between the parties. On 30th January, 2019, Respondent No.4- Manisha Tukaram Sakpal has undertaken to pay the outstanding of Respondent No.2-The Kunbi Sahakari Bank Limited, in the manner stated out in the Affidavit dated 30th January, 2019. The matter was adjourned to 4th March, 2019 in order to ascertain as to whether the Respondents have complied with the undertaking.

3] Today, when the matter was called out, Mr.Pandit Kasar, learned counsel for Respondent Nos.4, 5 and 6 submits that the first installment of Rs.4,25,000/- was paid by Respondent No.4, and, insofar as installment of Rs.10,25,000/- payable on 14th February, 2019 is concerned, a sum of Rs.4,00,000/- has been paid and the last installment of Rs.10,25,000/- payable on 28th February, 2019, has also not been paid.

4] Learned Counsel for Respondent No.2-Bank urges that in view of non-compliance of the undertaking given by Respondent Nos.4, 5 and 6, Writ Petition be dismissed and Respondent No.2-Bank may be granted liberty to proceed against the mortgaged assets.

5] Learned counsel for Respondent Nos.4,5 and 6 submits that although he has partly complied with the undertaking, he has approached some financing companies to arrange for finance to clear outstanding of the opposite party and prays for time till 12th April, 2019 by which date the entire outstanding of the Bank shall be paid.

6] Considering the submissions advanced by both the sides, we dispose off the Writ Petition with a direction to Respondent Nos.4, 5 and 6 to clear all the outstanding of the Respondent-Bank in terms of which Undertaking was given, alongwith delayed payment interest, if any, failing which the Respondent-Bank shall be at liberty to proceed against the mortgaged assets in accordance with law.

(A.M. BADAR, J)

(INDRAJIT MAHANTY, J)