

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
APPELLATE SIDE CIVIL JURISDICTION**

**WRIT PETITION (STAMP) NO. 13730 OF 2019  
WITH  
CIVIL APPLICATION NO. 1889 OF 2019  
WITH  
CIVIL APPLICATION NO. 1890 OF 2019**

M/s. Sun Housing Pvt. Ltd. & Ors. ....Petitioners  
V/S  
Kapol Co-op Bank Ltd. & Anr. ....Respondents

Mr. G. S. Godbole i/b. Mr. Sumit S Kothari & Shivraj Patne for  
Petitioners.

Mr. R. M. Haridas for the Respondent No. 1.

Ms. V. S. Gokhale "B" Panel Counsel for the Respondent No. 2-  
State.

**CORAM : A. A. SAYED &  
PRAKASH D. NAIK, JJ.  
DATED : 4<sup>th</sup> September, 2019**

**P.C.:**

Learned Counsel for the Petitioners has handed over a cheque of Rs.7,58,410/- to the Counsel for the Bank in the Court which according to the Respondent - Bank is the balance amount due and payable, excluding the amount of Rs.1,08,00,000/- in respect of which the Respondent Bank is already holding three cheques of Rs.36,00,000/- each dated 23.07.2019, 03.08.2019 and 13.08.2019. The learned Counsel for the Petitioners states that as a matter of fact the amount due (apart from the sum of Rs.1,08,00,000/-) is only around Rs.6.20 Lacs, however the

Petitioners are paying the amount as stated by the Respondent Bank only to buy peace and put a quietus to the matter.

2. The Respondent Bank may now also deposit the said three cheques dated 23.07.2019, 03.08.2019 and 13.08.2019 which is lying with them. On realization of all the 4 cheques, the Respondent-Bank shall issue necessary No Objection and No Due Certificate and shall also hand over the title documents in respect of the Petitioner's first account within two weeks from today.

3. In view of the above, the impugned judgment and order dated 24.12.2018 of the Addl. District Magistrate, Pune shall stand set aside.

4. The Writ Petition to stand disposed of in the aforesaid terms.

5. In view of the disposal of the Writ Petition, nothing survives in the Civil Applications which shall also stand disposed of.

**(PRAKASH D. NAIK,J.)**

**(A.A.SAYED, J.)**