

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

WRIT PETITION (ST.) NO.15961 OF 2019

Mrs.Sudha Devi Chhabra	.. Petitioner
Vs.	
State of Maharashtra & Anr.	.. Respondents

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Mr.Sushil Upadhyay a/w. Mr.Anand Mishra I/b. Mr.Askhok M. Saraogi,
Advocate for the Petitioner.
Mr.R.S. Pawar, AGP for Respondent No.1 – State.
Mr.T.N. Tripathi a/w. Ms.Kalyani Wagle I/b. Mr.T.N. Tripathi, Advocate
for Respondent No.2.

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**CORAM : A.A. SAYED AND
PRAKASH D. NAIK, JJ.**

DATED : JUNE 24, 2019.

P.C. :

This Petition is filed by the Petitioner seeking the following
reliefs:

“(A) *that this Hon'ble Court be pleased to issue an appropriate writ, order and directions directing the Respondents to accept the amount of Rs.70,00,000/- (Rupees Seventy Lacs only) due and payable by the Petitioner as per the settlement dated 8/12/2018 and release the residential premises of the petitioner being Bungalow situated at on Plot No.1, Amru Kunj Co-op. Hsg. Soc. Ltd., Rajeev Gandhi Thermal Power Road, Village – Vadkun, Taluka – Dahanu, District – Palghar – 401 602 on such terms as this Hon'ble Court may deem fit and proper in the matter.*

(B) Interim and ad-interim reliefs in terms of prayer clause

(A) above be granted;

(C) Any other and further reliefs as the nature and circumstances of the case may require be granted.”

2 It is an admitted position that the matter was settled before the Lok Adalat and it was agreed as recorded in the order dated 8th December, 2018, of the Lok Adalat that within six months, the Petitioner shall pay the Respondent – Bank a sum of Rs.70,00,000/- failing which the Respondent – Bank would be free to proceed further for recovery of their dues. This order dated 8th December, 2018 has admittedly not been challenged by the Respondent – Bank and has attained finality. The period of six months expired on 7th June, 2019. On 3rd June, 2019, the Petitioner had addressed a letter to the Respondent – Bank that the amount has been arranged and called upon the Respondent – Bank to inform her how and when she is required to deposit the said amount against the release the secured asset viz. Plot No.1, Amrakunj Society, Rajeev Gandhi Thermal Power Lane, Dahanu, District – Palghar. The present Petition has been filed on 7th June, 2019 and the matter was moved for circulation on 13th June, 2019 which was granted for 19th June, 2019 when this Court recorded the statement on behalf of

the Petitioner that the Petitioner is ready to pay amount of Rs.70,00,000/- to the Respondents–Bank.

3 Today, learned Counsel for the Petitioner has handed over four Demand Drafts covering an amount of Rs.70,50,000/- (according to the Petitioner this is the correct amount), which has been accepted by learned Counsel for the Respondent–Bank. In the facts and circumstances of the case, in the interest of justice, we condone the delay, if any, in payment of the amount of Rs.70,50,000/-. We direct that apart from the aforesaid amount of Rs.70,50,000/-, the Petitioner shall pay a further sum of Rs.25,000/- to the Respondent – Bank, during the course of the day. Since the Petitioner has now paid the amount of Rs.70,50,000/-, we direct the Respondent – Bank to hand over physical possession of the secured asset viz. Plot No.1, Amrakunj Society, Rajeev Gandhi Thermal Power Lane, Dahanu, District – Palghar to the Petitioner on 1st July, 2019 at 12:00 noon.

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

(PRAKASH D. NAIK, J.)

(A.A. SAYED, J.)