

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10789 OF 2019

Mr. Santosh Shantaram Salunke

..Petitioner

Versus

The State of Maharashtra & Ors.

..Respondents

None for the Petitioner.

None for the Respondent.

CORAM : PRADEEP NANDRAJOG, C.J. &

SMT. BHARATI DANGRE, J.

DATE : 22nd NOVEMBER, 2019

P.C.

1] Though none is present on behalf of parties, we can dispose of the Petition on account of what has been recorded followed by a direction in the interim order dated 18th October 2019 passed in the Writ Petition. The same reads as under :-

“Issue notice to the Respondent No.3 – Borrower, returnable on 22nd November 2019. Private notice is permitted in addition.

2. Learned Counsel for the Respondent Bank states that the outstanding dues are around Rs.8,50,000/-. Learned counsel for the Petitioner states that though the Petitioner is not a borrower, without prejudice to the rights and contentions of the parties, he is willing to pay the sum of Rs.8,50,000/- to the Respondent Bank. Learned counsel for the Petitioner states that

Rs.4,25,000/- shall be paid by the Petitioners to the Respondent Bank within two weeks from today and the balance of Rs.4,25,000/- shall be paid before next date. We accept the statement.

3. Until next date, the Respondent-Bank shall defer taking possession of the secured asset, unless there is default on part of the Petitioner in making any payment as recorded above.

4. List the Petition on 22nd November, 2019.”

2] Whether the Petitioner has complied with the order or not, not being known to us, the Petition can be disposed of declaring that if the Petitioner has complied with the order dated 18th October 2019 the Respondent No.2 Bank shall not enforce its lien as a secured creditor. If the Petitioner has defaulted, in terms of the undertaking of the Petitioner the secured asset would be sold to realize the dues of the 2nd Respondent payable by the 3rd Respondent.

**Balaji G.
Panchal**

Digitally signed by
Balaji G. Panchal
Date: 2019.11.25
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SMT. BHARATI DANGRE, J

CHIEF JUSTICE