

Sharayu Khot.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L) NO. 392 OF 2019

Kanchan Raj Tandon & Ors.

...Petitioners

Versus

Dewan Housing Finance Corporation Ltd. ...Respondent

Ms. Janhavi Paradkar, i/by Anup Khaitan & Co., for the
Petitioners.

Mr. Shadab, i/by R.L. Motwani, for the Respondent No. 1

Mr. D.S. Mhaispurkar, for the Respondent No. 2.

Mr. Raj Tandon, for the Petitioner is present.

**CORAM : A.A. SAYED &
RIYAZ I. CHAGLA, JJ.**

DATE : 21 February 2019

ORDER :

1. Time to carry out the amendment to add Mr. Mohd. Gufran Shaikh as party Respondent No. 2 is extended till today.

Amendment to be carried out forthwith.

2. Learned Counsel for the parties say that the matter is worked out between the parties.

3. The Respondent No. 2 has tendered an Undertaking of today's date i.e. 21st February 2019. In terms of the said Undertaking, a Demand Draft of Rs. 40,00,000/- (Rupees Forty Lakh only) has been handed over by the learned Counsel for the Respondent No. 2 to the learned Counsel for the Respondent-Bank in Court today. The balance outstanding of Rs. 61,85,219/- (Rupees Sixty One Lakh Eight Five Thousand Two Hundred Nineteen only) is to be paid to the Respondent-Bank on or before 21st March 2019 alongwith additional interest, if any.

4. The Petitioners have also tendered an Undertaking and have handed over two postdated cheques of Rs. 75,27,445/- (Rupees Seventy Five Lakh Twenty Seven Thousand Four

Hundred Forty Five only) and Rs. 50,00,000/- (Rupees Fifty Lakh only) to the Respondent No. 2.

5. By consent of the learned Counsel for the parties, we dispose of the Petition by accepting the undertaking of the Petitioners and that of the Respondent No. 2.

6. In the event, the dues of the Respondent-Bank are recovered, the Respondent-Bank shall handover the original Title Deeds of the flat in question to the Respondent No. 2 within a period of two weeks from 21st March 2019 and shall also issue a 'No Dues Certificate' to the Petitioners. Unless there is default, the Respondent-Bank shall not take any coercive steps. In case of default, the Respondent-Bank shall be free to take further steps in accordance with law.

7. The Petition to stand disposed of in the above terms.

[RIYAZ I. CHAGLA J.]

[A.A. SAYED, J.]