

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

NOTICE OF MOTION NO.1795 OF 2018

IN

SUIT NO.1073 OF 2018

Mohana Manjunath Gowda and Anr.Plaintiffs

Vs.

PNB Housing Finance Ltd. and Ors.Defendants

Mr. Girish Utangale a/w. Mr. Chetan Mhatre I/b. Utangale and Company for applicant/plaintiffs.

Mr. Mayur Agarwal a/w. Mr. Rahul P. Jain I/b. Alpha Chambers for defendants.

CORAM : K.R.SHRIRAM, J.

DATE : 5th FEBRUARY 2019

P.C.:

1 Mr. Agarwal, counsel for defendants states that defendants have made it very clear to plaintiffs that they do not wish to extend any facility to defendants. Mr. Agarwal states that therefore, defendants will cancel the Mortgage Deed, refund Rs.5,900/- which was paid as initial processing fees to plaintiffs by tomorrow, i.e., 6th February 2019. Mr. Agarwal further states that defendants shall also forward a draft of the Deed of Cancellation for the mortgage tomorrow alongwith the refund of processing fees. Mr. Agarwal states that plaintiffs may withdraw the documents which defendants deposited pursuant to order dated 23rd February 2018 read with order dated 26th February 2018 in Arbitration Petition No.479 of 2017 between Reliance Home Finance Limited V/s. Mohana Manjunath Gowda and Anr.

2 Therefore, the following order is passed :

(a) defendants shall attend the office of the Sub Registrar of Assurances for signing and registering the Deed of Cancellation within two weeks of the draft of the Deed of Cancellation being finalised;

(b) plaintiffs may apply to the Prothonotary and Senior Master for return of documents deposited by defendants but before returning the documents, the Prothonotary and Senior Master will hear Reliance Home Finance Limited to whom plaintiffs shall give notice once the date and time is fixed by the Prothonotary and Senior Master.

3 Notice of motion stands dismissed as withdrawn.

4 Defendants to file written statement and serve a copy thereof on or before 2nd March 2019.

5 Stand over to 8th March 2019 for directions.

(K.R. SHRIRAM, J.)