

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1969 OF 2019
IN
WRIT PETITION NO.1665 OF 2018

Yunus Peermohammed Tamboli & Anr. .. Applicants

In the matter of:

Yunus Peermohammed Tamboli & Anr. .. Petitioners

Vs

Corporation Bank & Ors. .. Respondents

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Mr. Vivek V. Phadke for the Applicants.

Ms. Rathina Maravarman for Respondent No.1.

Mr. Vivek Patil i/b Vivek Patil & Associates for the State.

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**CORAM: PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.**

DATED : 03rd JANUARY, 2020.

P.C:-

1. Writ Petition filed by the Applicants-Petitioners was disposed of on consent terms as per the Minutes of Order dated 21st June, 2018. The consent required the sale conducted on 6th February, 2014 to be cancelled and the sale consideration paid by

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Respondent No.3 to be returned. The Writ Petitioners had to clear the dues of the Bank and needless to state upon clearance of the dues they would be entitled to the title documents handed over by the Petitioners to the Bank as a result of equitable mortgage created.

2. At the time of registration of Sale Certificate, the title documents of the Petitioners were handed over by the Bank to the Auction Purchasers.

3. Thus, we direct the Auction Purchasers to handover the title documents to the Petitioners within four weeks from today.

4. As regards the stamp duty paid by the Auction Purchasers, since the sale has been set aside by consent of the parties as reflected in the Minutes of the Order dated 21st June, 2018, we grant a declaratory relief by declaring that the Auction Purchasers would be entitled to refund of stamp duty paid on the strength of the present order.

5. Civil Application is disposed of in the aforestated terms.

(SMT. BHARATI DANGRE, J.)

(CHIEF JUSTICE)