

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

WRIT PETITION NO.4756 OF 2022

Santosh Gorakh Jadhav

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Mr. Mohd. Saeed Moghul a/w Ms. Deepa Premachandran, for the
Petitioner.

Mr. A. I. Patel a/w Mr. K. S. Thorat, A.G.P for the Respondent No.1 –
State.

Ms. Medha Rane a/w Ms. Dimple Tejani, for the Respondent No.4.

Mr. Santosh Gorakh Jadhav, Petitioner present in-person.

**CORAM : REVATI MOHITE DERE &
MADHAV J. JAMDAR, JJ.**

DATE : 20th APRIL 2022

P.C. :

Not on board. Taken on board.

1. Heard learned counsel for the parties.
2. Learned Counsel for the petitioner states that an amount of
Rs.13,52,000/- will be deposited by the petitioner with the respondent No.4
– GIC Housing Finance Limited, on or before 6th May 2022, after

negotiations and settling the final figure with the bank authorities.

3. Learned Counsel for the petitioner has tendered an affidavit of the petitioner dated 20th April 2022, duly notarized. The same is taken on record. In the said affidavit, the petitioner has undertaken to pay a sum of Rs.4,72,000/- tomorrow i.e. on 21st April 2022 to the respondent No.4. The petitioner has further undertaken to pay the balance amount of Rs.8,80,000/- within 15 days from tomorrow i.e. on or before 6th May 2022 after negotiations and settling the final figure with the bank authorities. The said undertaking given in the affidavit is accepted, as an undertaking to the Court.

4. Learned Counsel for the respondent No.4 states that if the petitioner deposits the said amounts as set out in the affidavit, she has no objection, if the impugned order dated 16th December 2019, passed by the learned Additional District Magistrate, Thane, below Securitisation Application No.1211 of 2019, is quashed and set aside. She further states that in the event the petitioner fails to abide by the undertakings given in the said affidavit, the order dated 16th December 2019, should stand restored,

without further reference to the Court.

5. Accordingly, the petition is allowed and disposed of, on the following terms and conditions:-

ORDER

i) In view of the affidavit filed by the petitioner dated 20th April 2022, undertaking to pay the amounts as set out in the said affidavit and the statement made by the learned counsel for the respondent No.4, the impugned order 16th December 2019, passed by the learned Additional District Magistrate, Thane, below Securitisation Application No.1211 of 2019, is quashed and set aside;

ii) If the said undertaking is not complied with, within the stipulated time i.e. on or before 6th May 2022, the impugned order dated 16th December 2019, passed by the learned Additional District Magistrate, Thane, below Securitisation Application No.1211 of 2019, shall stand revived/restored back to its original file;

iii) In such eventuality, it is open for the respondent No.4 to take appropriate steps, in accordance with law, to execute the order dated 16th December 2019.

6. Petition is allowed in the aforesaid terms and is accordingly disposed of.

7. All concerned to act on the authenticated copy of this order.

MADHAV J. JAMDAR, J.

REVATI MOHITE DERE, J.