

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

WRIT PETITION NO.11537 OF 2022

Govind Kondiba Tanpure & Ors. : Petitioners
versus
The Managing Director & CEO,
State Bank of India & Ors. : Respondents

Ms. Smita R. Gaidhani for Petitioners.
Mr. Rony P.J. i/by Rony & Company for Respondent Nos. 1 to 3.

**CORAM : K. R. SHRIRAM &
A. S. DOCTOR, JJ.**

DATE : 28th September 2022

P.C.

1 Mr. Rony undertakes to file vakalatnama on behalf of
Respondent Nos.1, 2 and 3.

2 The General Manager of concerned department shall remain
present in Court at the time when the matter is called out. If the General
Manager does not remain present, this Court would be constrained to pass
such orders as required to ensure the presence of General Manager.

3 At the request of Mr.Rony, matter is kept back at 2.30 pm.

At 2.30 pm

4 Mr. Phanikeshwar Kunda, the Chief Manager, SARG, CC,

Mumbai, under whom the concerned branch at Pune would come, is present in court. Mr. Rony, on instructions of Mr. Kunda, states that even by tomorrow, i.e., 29th September 2022, Respondent No.1, 2 and 3 can issue No Dues Certificate, hand over original title documents in respect of Flat Nos.15 and 42, Avantika Co-operative Housing Society, S. No.24/7/1, Shridhar Nagar, Dhankawadi, Pune 411 043 (the said flats), and also hand over physical, peaceful and vacant possession of the said flats to Petitioner. Statement is accepted as an undertaking to this Court by Mr.Kunda personally and on behalf of State Bank of India which would include its Board of Directors.

5 Mr. Rony, on instruction states, it would be convenient to all if No Dues Certificate and the original title documents are handed over to Petitioner at the time of handing over physical, peaceful and vacant possession of the said flats. We agree with Mr. Rony. We hereby direct the Branch Manager to personally hand over the documents and possession of the said flats to Petitioner.

6 Ms. Gaidhani states that Petitioner will be at the building where the said flats are situated at 11.00 a.m. on 30th September 2022. Mr. Kunda states that the Branch Manager will also remain present at that time so that the undertaking recorded above will be complied with.

7 As regards releasing charge on the said flats, Mr. Kunda states that the Tahasildar, who is Respondent No.5 herein, has to do needful. Mr. Rony states, once NOC is submitted to Respondent No.5, Respondent No.5 will be able to note the release of charge on the said flats in the concerned records. Mr. Kunda states that he will instruct the Branch Manager to hand over a copy of the NOC to Respondent No.5 not later than 03rd October 2022, if 1st October 2022 is a non working day for Respondent No.5. This statement is also accepted as an undertaking to this Court.

8 As regards gold ornaments, cash and other valuables mentioned in prayer clause (c)(v), Ms. Gaidhani states that Petitioner will pursue those reliefs independently.

9 In view of above, Ms. Gaidhani and Mr. Rony state, Petition can be disposed.

10 Petition accordingly stands disposed.

(A. S. DOCTOR, J.)

(K. R. SHRIRAM, J.)