

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

**INTERIM APPLICATION NO. 18710 OF 2022
IN
WRIT PETITION NO. 3311 OF 2013**

M/s. Pathak Associates Proprietor
Sou. Vinaya Abhay Pathak and Ors. ...Applicants

IN THE MATTER BETWEEN

M/s. Pathak Associates Proprietor
Sou. Vinaya Abhay Pathak and Ors. ...Petitioners

V/s.
Liquidator through Miraj Urban
Co-op. Bank Ltd. Miraj ...Respondent

MAMTA
AMAR KALE

Digitally signed by
MAMTA AMAR KALE
Date: 2022.10.20
16:48:36 +0530

Mr. Abhinav Bhatkar i/b. Mr. Vijay Killedar, for the Applicants.
Mr. Ramdas A. Shelke, for the Respondent.

**CORAM : C.V. BHADANG, J.
DATE : 20 OCTOBER 2022**

P.C.

. This is an application for withdrawal of the amount deposited before this Court with accrued interest in Writ Petition No.3311/2013.

2. The learned counsel for the Applicants states that Applicant

No.1 is the principal borrower and the Applicant Nos.2 and 3 are the guarantors.

3. The record discloses that Writ Petition No.3311/2013 was disposed of on 9 January 2019 on the basis of Consent Terms. The learned counsel for the parties point out that during the pendency of the petition a proposal for One Time Settlement (OTS) was given to the Respondent – Bank which has been accepted and the entire loan amount has been liquidated.

4. The Respondent – Bank has issued a No Due Certificate which is produced at page No.21 of the compilation.

5. In that view of the matter, the learned counsel appearing for the Respondent – Liquidator Miraj Urban Co-op. Bank Ltd. Miraj, on oral instructions, states that Respondent has no objection for releasing the amount in favour of the Applicants.

6. In such circumstances, the application is allowed. The amount deposited before this Court in Writ Petition No.3311/2013 alongwith interest, if any, shall be paid to the Applicant No.1 being the principal borrower.

C.V. BHADANG, J.