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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3225 OF 2019

WITH

INTERIM APPLICATION NO. 18925 OF 2022

IN

WRIT PETITION NO. 3225 OF 2019

Vijendra Kumar Rai

.....Petitioner/Applicant

Vs.

State of Maharashtra and Anr.

.....Respondents

Mr. Vijendra Kumar Rai - Petitioner in person present.

Smt. S. D. Vyas 'B' Panel counsel for State.

Mr. Shashank N. Fadia for Respondent No.2.

CORAM : K. R. SHRIRAM &

A. S. DOCTOR, JJ.

DATE : 7th OCTOBER, 2022

P.C.:-

1. The prayer (a) of the Petition is to direct Respondent No.2 to give breathing time of 24 months to Petitioner as one time settlement as this Hon'ble Court would deem fit and proper. The Petition was affirmed on 20th December, 2018. 45 months have passed since then, and Mr. Rai, to a query posed by the Court, stated that he has not paid even a penny after filing of the Petition. Petitioner/Applicant may have his own reasons. Mr. Rai states, today he has got a pay order of Rs.35 lakhs.

2. Mr. Fadia states that Petitioner wants to pay only principal

amount, but does not want to pay interest, which is not acceptable to Respondent No.2. At this stage Mr. Rai states that Petitioner is ready to pay entire amount outstanding. Statement accepted as an undertaking to this Court.

3. Petition dismissed.

4. Since Mr. Rai had asked only for 24 months in 2018 and had 45 months since filing of Petition to clear the claim of Respondent No.2, we, by way of indulgence, grant four weeks time to Petitioner to pay the entire amount outstanding. No order as to costs. Consequently Interim Application also stands dismissed.

5. At this stage Mr. Rai hands over pay order of Rs.35 lakhs drawn in favour of Respondent No.2 to Mr. Fadia. Mr. Fadia states, he accepts the pay order without prejudice to the rights and contentions of Respondent No.2, and if the settlement does not happen, Respondent No.2 will adjust the amount as per the loan agreement and give credit to Mr. Rai to this extent.

(A. S. DOCTOR, J.)

(K. R. SHRIRAM, J.)