

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

935 WRIT PETITION NO.2250 OF 2023

SAMIR MUKUNDRAO JOSHI AND ANOTHER
VERSUS
THE CENTRAL BANK OF INDIA THROUGH IT'S REGIONAL
MANAGER AND ANOTHER

...
Advocate for Petitioners : Mr. S G Rudrawar

...
CORAM : NITIN W. SAMBRE & S. G. CHAPALGAONKAR, JJ.
Dated: March 16, 2023

...
PER COURT :-

1. Heard.
2. The petitioners alongwith their deceased father had availed term loan facility of Rs.27,93,989/-, which according to them was already repaid as respondents-Bank has issued 'No Dues Certificate' on 12th October, 2022. The petitioners claims that their father Dr. Mukundrao Joshi executed a will in his favour and bequeathed rights in the mortgaged property in his favour viz- Plot No.1-B, CTS No.17843, Shrihari Kunj, Sanmitra Colony, Aurangabad.
3. According to petitioners, though deceased Dr. Mukund was survived by petitioner, his wife deceased Mina and two daughters namely Smita and Sneha, deceased Mukund had
aaa/-

executed will in favour of the petitioners. According to petitioners, legal heirs of deceased Mukund are ready and willing to appear before the Respondents-Bank so as to give their statement that they have no objection to release the mortgage property in favour of the petitioners.

4. In view of above, since we are passing an order, which is non-prejudicial to the interest of the respondents, notice of the respondents is dispensed with.

5. We direct the petitioners to appear physically before the respondents Bank/Branch Manager with all legal heirs of deceased Mukund, who shall upon verification take a decision and communicate in writing to the petitioners as regards the issue of release of the security documents of property. We expect that the respondents to communicate to the petitioners outcome of the aforesaid compliance on the part of the petitioners within a period of four weeks from the date of appearance of the petitioners before it. Writ Petition stands disposed off.

(S. G. CHAPALGAONKAR, J.)

(NITIN W. SAMBRE, J.)

...

aaa/-