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

WRIT PETITION NO. 2318 OF 2023

Ashok Arvind Jethwa

....Petitioner

V/s.

State of Maharashtra and Ors.

...Respondents

Mr. Durgesh Kulkarni a/w Mr. Harsh Sukhramani and Mr. Mayank N. Mishra
i/b Mr. Mayank N. Mishra for Petitioner.

Mr. Sanjay Anubhawane for Respondent No.3.

Ms. Vaishali Sawant for Respondent No.4.

Mr. A.I. Patel, Addl. G.P. a/w Mr. K.S. Thorat, AGP for State.

CORAM : K.R. SHRIRAM &

RAJESH S. PATIL, JJ.

DATED : 22nd FEBRUARY 2023

P.C. :

1. Mr. Anubhawane for Respondent No.3 undertakes to file vakalatnama on behalf of Respondent No.3 within one week from today. Mr. Anubhawane states that Respondent No.3 came to know after the impugned order dated 23rd January 2023 was passed that property mentioned as "ALL THAT PIECE AND PARCEL OF Identified Property i.e. Office No.807, Gold Crest Business Centre, F.P. No.3, L.T. Road, Opp. Manubhai Jewellers, CTS No.615, Borivali (West), Mumbai – 400 092 (owned by Shri. Ashok Arvindbhai Jethwa)" is mortgaged to Punjab National Bank - Respondent No.7 and therefore they shall not proceed against the said property. Counsel states that he shall also move the Court of Chief Metropolitan Magistrate within one week from today to have this property deleted. This would take care of prayer clause (b) and (c).

2. Since admittedly money is owed by Petitioner to Respondent No.3, prayer clause (a) will not survive.

3. Petition dismissed with costs in the sum of Rs.1 Lakhs (Rupees One Lakhs Only) to be paid to Respondent No.3. This cost may also be recovered from petitioner by Respondent No.3 alongwith other recovery proceedings if the amount is not paid within one week.

(RAJESH S. PATIL, J.)

(K.R. SHRIRAM, J.)