

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 73 OF 2023**

Farah Diba Sultan Ahmed ...Petitioner
Versus
Samata Sahakari Bank Ltd. And Anr. ...Respondents

Mr. Gautam Pyarelal for Petitioner.
Mr. Omar Khaiyam Shaikh a/w Ms Puja Acharekar for Respondent No.1.
Mr. Himanshu Takke, AGP for Respondent No.2-State

**CORAM : K.R. SHRIRAM &
RAJESH S. PATIL JJ
DATED : 8th FEBRUARY 2023**

P.C. :

1 Mr. Pyarelal for petitioner, on instructions from petitioner, who is present in court, states that during the course of this week, i.e., on or before 10th February 2023 petitioner would pay a sum of Rs.7,00,000/- to respondent no.1. Mr. Shaikh states that no bids have been received for the property and, therefore, this amount would be accepted without prejudice to rights and contentions of respondent no.1. Mr. Shaikh states naturally credit will be given to the amount paid. Mr. Shaikh further states that just because respondent no.1 would accept this amount does not mean that attempt of respondent no.1 to sell the mortgage property will stop. That will continue.

2 On 13th February 2023 petitioner will file affidavit confirming
payment with proof of payment annexed to the affidavit and also serve a
copy thereof upon respondent no.1. If, the payment of Rs.7,00,000/- as

noted earlier is not made and/or affidavit is not filed on or before 13th February 2023, petition will stand dismissed without further reference to this court.

3 Mr. Pyarelal states that petitioner wishes to meet the Managing Director of respondent no.1 so that one time settlement can be worked out. Mr. Shaikh states that the Managing Director shall meet petitioner any time next week. Mr. Shaikh states that he will communicate to Mr. Pyarelal the time and date when petitioner can meet the Managing Director.

4 In case the conditions mentioned in paragraph 2 are complied with, petition be listed for directions on 17th February 2023.

(RAJESH S PATIL, J.)

(K.R. SHRIRAM, J.)