

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.1584 OF 2023

Sunil Ratnakar Gutte
Aged about 40 years,
Occupation Business,
resident of 72, floor No.7,
Sagar Tarang Co-operative
Housing Society Limited,
Worli, Mumbai 400 030 ... Petitioner

-vs-

UCO Bank
Through its Authorized Officer,
having its office at MID,
Corporate Branch, Chittaranjan,
Plot No.9, Ajni Square, Wardha Road,
Vivekanand Nagar, Nagpur 44 0015 ... Respondent

WITH

WRIT PETITION NO.1585 OF 2023

Vijay Ratnakar Gutte
Aged about 39 years,
Occupation Business,
resident of Flat No.1001,
10th Floor, B Wing, Sandhu Palace,
Nargees Dutt Road, Pali Hill,
Bandra West, Mumbai. ... Petitioner

-vs-

UCO Bank
Through its Authorized Officer,
having its office at MID,
Corporate Branch, Chittaranjan,
Plot No.9, Ajni Square, Wardha Road,
Vivekanand Nagar, Nagpur 44 0015 ... Respondent

Shri Yash Maheshwari, Advocate for petitioners.
Ms Bhumika Sarda, Advocate with Y. Ramani Patro, Advocate for
respondent/Bank.

CORAM : A. S. CHANDURKAR AND M. W. CHANDWANI, JJ.

DATE : April 24, 2023

Common Judgment : (Per : A. S. Chandurkar, J.)

Rule. Rule made returnable forthwith and heard the

learned counsel for the parties.

Both the petitioners had obtained financial assistance from the respondent/Bank by operating separate Home Loan Accounts. The petitioners were interested in clearing their dues and hence sought information with regard to the exact amount that was due and payable to the Bank. It was the grievance of the petitioners that this information was not supplied by the Bank and hence these writ petitions have been filed.

2. It is an admitted position that pursuant to steps taken under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, the mortgaged property which are two flats had been taken over by the Bank. During pendency of the writ petitions, the Bank has by filing pursis placed on record No Dues Certificate dated 21/04/2023 issued to the petitioners with regard to their Home Loan Accounts. The petitioners have filed affidavit stating therein that besides the respondent-Bank, the aforesaid flats have not been mortgaged with any other financial institution.

3. In view of aforesaid, we find that insofar as the respective Home Loan Accounts are concerned, the amounts due have been repaid by the petitioners pursuant to which No Dues Certificates have

been issued by the Bank. As a consequence, the Bank would now be required to return the documents pertaining to the mortgaged property as well as hand over physical possession of the said flats to the petitioners.

4. In the light of aforesaid No-Dues Certificates with regard to the concerned Home Loan Accounts, it is directed that the respondent-Bank shall within ten days return all relevant documents with regard to the mortgaged property and also hand over possession of the respective flats to the petitioners.

5. With these directions, the writ petitions are allowed. Rule accordingly. No costs.

(M. W. Chandwani, J.)

(A. S. Chandurkar, J.)

Asmita