

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

CRIMINAL REVISION APPLICATION NO.516 OF 2019

Lalita Veeraju Vallabhaneni

...Applicant

vs.

HDFC Bank Ltd.

...Respondent

<u>Persons physically present.</u>		
Mr. Ankush N. Dhokale i/b. Mr. Prakash J. Salsingikar	...	Advocate for the Applicant.
Mr. H.J. Dedhia	...	APP for Respondent - State.
Mr. Chetan P. Bhagwat	...	Deputy Registrar, Main Mediation, High Court present
<u>Persons virtually present.</u>		
Mr. Orville Lourenco	...	Advocate for the Applicant from Kolhapur present through VC.
Mr. P.R. Rane	...	5 th Jt. C.J.J.D., Kolhapur through VC. (Mediator)
Mr. Monika Ukale i/b. Kishor Chalke a/w Sanket Shilewant	...	Representative HDFC Mumbai.
Mr. Sunil Lad	...	Representative/officer from HDFC Bank Kolhapur.
Mr. Jayendra Patil	...	Advocate Respondent No.1 - HDFC Bank.
Ms. Lalita Veeraju Vallbhaneni:	...	Applicant in person present.

**CORAM : S. M. MODAK, J.
DATE : 18th MARCH 2024**

P. C. :-

1. It is true that on 7th March 2024 after hearing the parties and respective Advocates who were present this Court has recorded the

consent terms executed in between the parties at Kolhapur on 8th February 2024 in presence of the learned Judge/Mediator. The consent terms records payment of following amounts:-

- (a) an amount of Rs.12,000/- towards full and final settlement of vehicle loan and
- (b) an amount of Rs.8,000/- towards full and final settlement of loan towards Credit Card.

On that, submission was also made that HDFC Bank will be entitled to claim the amount deposited by the Appellant before the Sessions Court, Kolhapur. There was some lack of clarity and that is why, today the matter is listed. The following parties are present:-

<u>Persons virtually present:</u>		
Mr. Orville Lourenco:	...	Advocate for the Applicant from Kolhapur present through VC.
Mr. P.R. Rane:	...	5 th Jt. C.J.J.D., Kolhapur through VC. (Mediator)
Mr. Monika Ukale i/b. Kishor Chalke a/w Sanket Shilewant:	...	Representative HDFC Mumbai.
Mr. Sunil Lad:	...	Representative/officer from HDFC Bank Kolhapur.
Mr. Jayendra Patil:	...	Advocate Respondent No.1 - HDFC Bank.
<u>Persons physically present.</u>		
Mr. Ankush N. Dhokale i/b. Mr. Prakash J. Salsingikar:	...	<u>Advocate for the Applicant.</u>
Mr. H.J. Dedhia:	...	APP for Respondent - State.

Mr. Chetan P. Bhagwat:	...	Deputy Registrar, Main Mediation, High Court present.
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2. The Appellant is present virtually along with her Advocate. Both have clarified that they have issued a Demand Draft of Rs.12,000/- and Rs.8,000/-. Representative of the Bank admitted the same and submitted that Demand Draft of Rs.8,000/- is encashed and Demand Draft of Rs.12,000/- will be encashed once the amount will be received from the Kolhapur Court. Even though both have orally agreed for an amount of Rs.18,000/- apart from the other amounts, the Appellant agrees that excess amount of Rs.33/- can be kept by the Bank with them only. This is in respect of the willingness shown by the representative of the HDFC Bank to refund Rs.33/-. In view of that, the following directions:-

ORDER

- (i) The order of conviction and sentence passed by the Court of J.M.F.C., Kolhapur on 7th July 2014 in R.C.C. No.3183 of 2012 and confirmed by the Court of Additional Sessions Judge, Kolhapur in Appeal No.131 of 2014 dated 4th October 2019 are set aside.

- (ii) Revision is disposed of.
- (iii) HDFC Bank is at liberty to withdraw the amount of Rs.18,033/- deposited by the Appellant before the Court of Additional Sessions Judge, Kolhapur.
- (iv) In view of this settlement, let the Court of Additional Sessions Judge, Kolhapur to release the amount to HDFC Bank by following the rules as early as possible.
- (v) Within a period of 7 days from the date of release of the amount from Kolhapur Sessions Court, the HDFC Bank is directed to issue to the Applicant Form No.35 and No Dues Certificate.
- (vi) As the matter is settled in mediation, payment of compromise charges as per the judgment in the case of ***Damodar S. Prabhu vs. Sayed Babalal H.***¹ are waived.
- (vii) The efforts taken by the Learned Judge Mediator is really appreciated. It be informed to learned Principal District Judge, Kolhapur because the Learned Judge works under his supervision. So also this order be communicated to

1 2010(5) SCC 668

Learned Judge - Mediator.

3. It is also true that learned Deputy Registrar – Shri Chetan Bhagwat has also taken pains in doing the follow-up. His efforts are also appreciable.

[S. M. MODAK, J.]