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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10527 OF 2023**

Shri Tukaram Anil Dhamdhare ... Petitioner

vs.

The State of Maharashtra and Ors ... Respondents

Mr. Sumit V. Khaire, for Petitioner.

Mr. Niranjan Mogre for Respondent

Mrs. Sulbha Chipde, AGP for the State.

CORAM : GAURI GODSE, J.

DATED : 26th FEBRUARY, 2024

P.C. :-

1. Learned counsel for the petitioner has filed an affidavit-cum-undertaking. The said undertaking signed by the petitioner states that as per amicable agreement between the petitioner and respondent no.4-society, the petitioner is agreeable to make total payment of Rs 38,00,000/- towards the two loan accounts on or before 15th April 2024. In view of the said undertaking, no further adjudication in the petition would be required.

2. However, learned counsel for respondent no.1 seeks two clarifications. Firstly, he submits that in the event, petitioner fails to comply with the undertaking, respondent no.4 be granted liberty to

execute the recovery certificate. Secondly, he submits that clause 8 of the affidavit-cum-undertaking which clarifies that in the event, the petitioner deposits the agreed amount of Rs. 38,00,000/- on/or before 15th April 2024, the petitioner would be entitled to release deed not re-conveyance deed as stated in the undertaking and the cost for execution of release deed shall be borne by the petitioner. Learned counsel for the petitioner agrees for the aforesaid two clarifications.

3. Hence, the undertaking given in the affidavit-cum-undertaking, dated 8th February 2024, is accepted as an undertaking to this court. It is clarified that if the undertaking is not complied with, the respondent no.4 will be entitled to execute the recovery certificate. It is further clarified that if the undertaking is complied with, respondent no.4 shall execute the document of release deed, subject to the petitioner paying the cost towards the execution of the release deed.

4. In view of the aforesaid agreement between the parties no further adjudication in the petition is necessary. Statement made on behalf of the petitioner as well as respondent no.4 is accepted.

5. Writ Petition is therefore, disposed of in the above terms.

(GAURI GODSE, J.)