

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

WRIT PETITION NO.9502 OF 2022

Praful Subhashchandra Kothari .. Petitioner
Vs.
The Divisional Joint Registrar, Pune and Ors. .. Respondents

Mr. Suresh M. Kamble for the Petitioner.
Ms. K.N. Solunke, AGP for the Respondent-State.
Mr. Sumant R. Deshpande for Respondent Nos.4 and 5.

**CORAM : A.S. CHANDURKAR &
JITENDRA JAIN, JJ**

DATE : 1ST FEBRUARY, 2024.

PC. :

1. Heard learned counsel for the parties.
2. The challenge raised in this writ petition is to the notice dated 15th July 2021 that has been issued by the respondent no.4 initiating steps for recovery of the amounts that are due and payable in the light of two Recovery Certificates issued in favour of respondent no.5-Co-operative Bank. It is informed that against the said Recovery Certificates, the petitioner has filed two revision applications, which are pending before the Divisional Joint Registrar. Since no order of stay was operating, the impugned notice dated 15th July 2021 seeking to take over possession of the mortgaged property came to be issued by the Recovery Officer.
3. During pendency of the writ petition, the learned counsel for the petitioner, on instructions, submitted that the petitioner desired to settle the outstanding dues that were liable to be paid to the respondent no.5. Accordingly, an offer was given by the petitioner that an amount of

Rs.24,50,000/- would be paid within a period of 17 months. The learned counsel appearing for respondent no.5, on instructions, submits that it is only if the entire amount due under the OTS Scheme is paid that the offer can be accepted.

4. In that view of the matter, we do not find that there is any ground to grant the prayers made in the writ petition. Since the revision application preferred by the petitioner is pending, it is directed that the same shall be decided expeditiously in accordance with law.

5. Writ Petition is disposed of in aforesaid terms.

[JITENDRA JAIN, J.]

[A.S. CHANDURKAR, J.]