

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12875 OF 2025

Hanmant Gangaram Jadhav & Ors. ... Petitioners

Versus

The State of Maharashtra & Ors. ... Respondents

Mr. Balasaheb G. Ligade for the Petitioners.

Mr. R.P. Kadam, 'B' Panel Counsel, A.G.P. for the Respondent-State.

Mr. Abhay Jadhavar i/b. Mr. Rutik A. Kashik for the Respondent Nos.2 & 3.

Coram : M. S. Karnik &
Ajit B. Kadethankar, JJ.

Date : 16th December 2025.

P. C. :

1. The Petitioners are the owners of residential property, which according to the learned counsel for the Petitioners is valued at Rs.2,50,00,000/-. According to the Petitioners, a loan of Rs.60,00,000/- was obtained by them from the Respondent No.2 in the year 2017. An amount of Rs.38,40,365/- was paid till today towards the loan account. Learned counsel for the Petitioners on instructions of the Petitioner No.1

who is personally present in the Court submits that the Petitioners are willing to clear the loan account, provided they are given some time. To show the *bona fide* of the Petitioners, on instructions of the Petitioner No.1, it is submitted that a sum of Rs.20,00,000/- will be deposited with the Respondent No.2 by the end of January 2026; moreover, a sum of Rs.50,00,000/- will be deposited within a period of four months from today.

2. According to the learned counsel for the Petitioners, the balance due and payable for closure of the loan account as on today is Rs.70,00,000/-. This is disputed by the learned counsel for the Respondent Nos.2 & 3. Learned counsel for the Respondent Nos.2 & 3 to place on record the arrears which are due and payable.

3. Considering that the possession notice has been issued and the Petitioners are likely to be dispossessed from their residential home on 17th December 2025, we are inclined to restrain the Respondent Nos.2 & 3 from taking possession of the residential property belonging to the Petitioners till the next date. This is however subject to the Petitioners depositing sum of Rs.20,00,000/- by the end of January 2026 and further a sum of Rs.50,00,000/- within a period of four months from today.

4. Issue notice to the Respondents, returnable on 2nd February 2026.

5. Mr. Kadam, learned A.G.P. waives service for the Respondent Nos.1 & 4 to 6.
6. Mr. Jadhavar, learned counsel waives service for the Respondent Nos.2 & 3.
7. Learned counsel for the Petitioners submitted that the Petitioners are willing to honor the OTS proposal, which was offered to them by the Respondent Nos.2 & 3. Learned counsel for the Respondent Nos.2 & 3 however submitted that the Petitioners has not abided by the conditions for grant of OTS. If fresh OTS proposal is submitted by the Petitioners, it is open for the Respondent Nos.2 & 3 to consider the same in accordance with the policy governing OTS proposals.
8. List the Petition on 2nd February 2026, under the caption 'For compliance of the Order'.

[Ajit B. Kadethankar, J.]

[M. S. Karnik, J.]

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