

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1690 OF 2025

M/s. Samarth Service Station through ...Petitioner
Proprietor Ms. Mohini M. Sondekar

Versus

Bassein Catholic Co-operative Bank Ltd. and ...Respondents
Ors.

Mr. Kishor Patil i/b Arjun Pawar, Mr. Swapnil Pawar, Shrikant Patil and
Rohit Jain for the Petitioner.

SNEHA
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CHAVAN

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Mr. Nitin Thakkar, Senior Advocate a/w Mr. Agnel Carneiro i/b Mulla
and Mulla & CB& C for Respondent No.1.

Mr. Pravin Peter Fernandes, Asst. Legal Manager of Respondent
No.1/Bank present.

Mr. N.C. Walimbe, Addl. Government Pleader a/w Mr. A.R. Deolekar,
Assistant Government Pleader for the Respondent/State.

Mr. Ashwin Shete i/b Jayakar and Partners for Respondent No.6.

**CORAM : A.S.CHANDURKAR AND
M.M. SATHAYE, JJ.**

DATE : 4th FEBRUARY 2025

P.C. :

1. The learned counsel for the Petitioner as well as the learned Senior Advocate for the Respondent No.1/Bank have tendered Terms of Consent Agreement between the said parties, that have been duly signed by the concerned parties and their respective Advocates. The respective parties/ authorised representatives are also present. As per those terms, the Petitioner has undertaken to pay amount of Rs.3 crores

on or before 07.02.2025 to the Respondent No.1/Bank and further amount of Rs.14 crores on or before 28.03.2025. Other terms agreed to have been referred in the said document which is taken on record and marked as "A" for identification.

2. The learned counsel for the Petitioner submits that the Bank may handover original documents of title that are in its custody on the payment of the entire outstanding amount. The learned Senior Advocate for Respondent No.1/Bank submits that the consent of Respondent No.2/borrower would be necessary in this regard.

3. This contingency would arise only after entire payment is made by 28.03.2025. However, the Petitioner to serve a copy of this order on Respondent No.2 to enable him to remain present on the next date of the proceedings.

4. List under the caption "for Directions" on 12.02.2025.

(M.M. SATHAYE, J.)

(A.S.CHANDURKAR, J.)