

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

WRIT PETITION NO. 1690 OF 2025

M/s. Samarth Service Station through
Proprietor Ms. Mohini M. Sondekar ...Petitioner
Versus
Bassein Catholic Co-operative Bank Ltd. & Ors. ...Respondents

Mr. Kishor Patil a/w. Mr. Arjun Pawar, Advocates for the Petitioner.
Mr. Nitin Thakkar, Senior Advocate a/w Mr. Agnel Carneiro, Advocate i/b
Mulla and Mulla & CBC for Respondent No.1-Bank
Mr. Anurag R. Mishra a/w. Mr. Ameya A. Dange & Mr. Vishal Pande,
Advocates for the Respondent No. 2
Mr. N. C. Walimbe, Additional Government Pleader a/w Smt. Ashwini A.
Purav, Assistant Government Pleader for the Respondent-State.
Mr. Ashwin Shete, Advocate i/b Jayakar and Partners for Respondent No.6.

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

DATED : 20th FEBRUARY 2025

P.C.:

1. The learned Counsel for the Petitioner on instructions from the representatives of the Petitioner, who are present in Court today submits that the Petitioner would prosecute the Special Civil Suit No. 1433 of 2020, which is pending in the Court of Civil Judge, Senior Division, Pune on its own merits. He, therefore, submits that the Petitioner does not desire to prosecute this Writ Petition.

2. We may note that during the pendency of the present proceedings, consent terms between the Petitioner and the Respondent No. 1 were

tendered, which fact has been referred to in the order dated 04/02/2025. It is submitted by learned Senior Advocate for the Respondent No. 1 that in view of the aforesaid, steps for taking possession had been deferred. The Petitioner, however, failed to comply with the terms agreed to. He therefore seeks reimbursement of expenses incurred towards police protection. According to him, approximately an amount of Rs.90,000/- was borne by the Respondent No. 1.

3. Since steps for taking possession stood deferred in view of the consent terms, which were thereafter not acted upon at the behest of the Petitioner, it shall pay an amount of Rs.1,00,000/- to the Respondent No. 1 being the amount of aforesaid expenses by way of reimbursement within a period of one week from today.

4. With the aforesaid observations, the Writ Petition is disposed of.

5. Needless to state that it is open for the Respondent No. 1 to take steps to enforce its security interest in accordance with law.

(M. M. SATHAYE, J.)

(A. S. CHANDURKAR, J)