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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13314 OF 2025

JITENDRA
SHANKAR
NIJASURE

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JITENDRA SHANKAR
NIJASURE
Date: 2025.10.17
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Kaamdhenu Builders A Partnership Firm

...Petitioner

Versus

ICICI Bank Ltd. & Ors.

...Respondents

Mr. Suresh Sabrad, Mr. Amey Sawant, Mr Pratik Sabrad, Ms. Neha Paste and Ms. Eshwaree Kudalkar for the Petitioner.

Oduvil Mohandas and Mr. J.P. Kapadia i/b. Little & Co. for the Respondent Nos.3 (RBI).

Mr. R.K. Motwani, for Respondent No.1 – ICICI.

**CORAM : R.I. CHAGLA AND
FARHAN P. DUBASH, JJ.**

DATE : 16TH OCTOBER, 2025.

ORDER :

1. The present Writ Petition has been filed by the Petitioner seeking a direction against Respondent No.1 – Bank to discharge from mortgage Flat No.201, 2nd Floor, admeasuring 29.07 Sq. mtrs (carpet area), in the project 'Kamdheni Celestia', constructed on Plot No.3, Section 53, Dronagiri Node, Taluka Uran, District Raigad in

favour of the Petitioner upon payment of the entire outstanding dues of Respondent No.2 – borrower by exercising the right of redemption.

2. We have heard Mr. Suresh Sabrad, the learned Counsel for the Petitioner and Mr. Oduvil Mohandas, the learned Counsel for the Respondent No.3 – RBI.

3. Mr. Sabrad on instructions states that total dues as on date is Rs.18,02,000/- and payable to Respondent No.1 – Bank will be paid by the Petitioner on behalf of Respondent No.2 - borrower and for which Respondent No.1 has a mortgage over the said premises. He states that the Petitioner will make full payment of Rs.18,02,000/- on or before 5th November, 2025, i.e. within the prescribed period of 30 days from the issuance of the notice under Section 13(8) of the SARFAESI Act which was issued on 6th October, 2025. The statement is accepted.

4. Mr. R.L. Motwani, the learned Counsel for the Respondent No.1 states that depending on when such payment is made, further amount towards interest for the balance days may also be paid.

5. Mr. Sabrad states that the Petitioner undertakes to make such payment of interest due as on date of payment. The statement is accepted.

6. In view of the above statements having been accepted. Mr. Sabrad upon instructions states that the Petitioner seeks permission to withdraw the Petition.

7. The Writ Petition is disposed of as withdrawn. There shall be no order as to costs.

[FARHAN P. DUBASH, J.]

[R.I. CHAGLA J.]