

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.13476 OF 2025

Damodar Namdeo Pote & Anr.	...Petitioners
<i>Versus</i>	
The State of Maharashtra & Ors.	...Respondents

Mr. Vaibhav V. Ugle, for the Petitioners.
Mr. N.C. Walimbe, Addl. G.P. a/w Mr. R.S. Pawar, AGP, for the
Respondent Nos.1, 4, 5 and 6-State.

**CORAM: SUMAN SHYAM &
MANJUSHA DESHPANDE, JJ.**

DATED: 15TH OCTOBER 2025.

PC:-

1. By filing this Writ Petition, an attempt has been made to resist the move on the part of the Respondent No.1/Bank to take over physical possession of the property in question in execution of the Certificate of Recovery dated 28th December 2021.

2. The Petitioners' Counsel submits that his Client is willing to deposit some amount and also ready to go with any fresh OTS proposal acceptable to the Bank. However, he has not served notice upon the learned Counsel for the Bank. Under these circumstances, we are unable to consider the prayer made by the Petitioners' Counsel in the absence of the learned Counsel for the Bank. However, taking note of the urgency in the matter and the

nature of apprehension expressed by the Petitioners to the effect that their family members will be thrown out of the residential premises, if possession of the property is taken over, we grant leave to the Petitioners to withdraw this Writ Petition, on instructions from his Client, so as to approach the Bank today itself, by making an offer of interim deposit and payment of balance amount through an acceptable mechanism. If such an Application is made during the course of the day, the same be considered by the Bank, and an appropriate decision be taken in the matter in accordance with law.

3. If the Petitioners continue to remain aggrieved in the matter, it will be open for them to pursue appropriate legal remedy including filing of Revision before the Statutory Authority, if so advised.

4. With the above observations, the **Writ Petitions stands disposed of as withdrawn.**

(MANJUSHA DESHPANDE, J.)

(SUMAN SHYAM, J.)