

Andreza

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.469 OF 2025

SHRI NITIN NARENDRA KERKAR

... PETITIONER

Versus

STATE OF GOA THR THE CHIEF
SECRETARY AND 2 ORS

... RESPONDENTS

Ms. Asha A. Desai, Advocate with Mr. Preston Mark Silveira, Advocate
for the Petitioner.

Mr. Shivdatt P. Munj, Additional Government Advocate for Respondent
Nos. 1 and 2.

Mr. R. G. Ramani, Senior Advocate with Mr. Raj Ramani and Mr.
Vinayak Nevrekar Advocates for the Respondent no. 3 and 4.

**CORAM:- SUMAN SHYAM &
AMIT S. JAMSANDEKAR, JJ.**

DATED :- 14th January, 2026

P.C.

In terms of our Order dated 07.01.2026, the Official Liquidator has appeared in this case today through Mr. Ramani, learned Senior Counsel and submits that insofar as the dues of the Bank are concerned, the same stood at approximately Rs. 25,79,987/- as on 05.12.2025, excluding the costs. Therefore, if the said amount is paid to the Bank through the Mamlatdar, then in that event, there would be no difficulty in executing a Deed of Release of the mortgaged property claimed by the Petitioner.

2. Ms. Desai, learned Counsel appearing for the Petitioner, submits that without prejudice to the rights and contentions of her client in the matter, she is willing to deposit the decretal amount before the Respondent no. 2, provided the possession of the property is forthwith handed over to her client.

3. Mr. Munj, learned Additional Government Advocate appearing for the Respondent nos. 1 and 2, states that an additional amount of Rs. 11 Lakhs is payable by the Petitioner.

Repelling the above submission, Ms. Desai, learned Counsel appearing for the Petitioner submits that her client would be depositing the entire decretal amount.

4. If that be so, we do not find any justification for keeping this Writ Petition pending any further in this Court. We grant seven days' time to the Petitioner to deposit the entire decretal amount before the Mamlatdar. Within seven days thereafter, the amount claimed by the Bank would be transferred to its account, whereafter, a Deed of Release of the mortgaged property would be executed forthwith, and the possession of the property would be handed over to the Respondent nos. 1 and 2, who shall immediately thereafter put the Petitioners in possession of the property. This exercise would, however, be without prejudice to the rights of the contesting parties in this case and shall not preclude them from availing other remedy, as

may be permissible under the law.

5. With the above observations, the Writ Petition is disposed of.

AMIT S. JAMSANDEKAR, J.

SUMAN SHYAM, J.