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IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.191 OF 2026

SYLVESTER VICENTE AND ANR

... PETITIONERS

Versus

THE BRANCH MANAGER, CANARA BANK,
CARANZALEM BRANCH

... RESPONDENT

Mr. Gaurang Kerkar, Advocate for the Petitioners.

Mr. Sandesh Arabekar, Advocate for the Respondent.

**CORAM:- VALMIKI MENEZES &
AMIT S. JAMSANDEKAR, JJ.**

DATED :- 23rd March, 2026

P.C.:

1. Registry to waive office objections and register the matter.
2. The challenge in this petition is to the notice dated 20.01.2026 issued under Section 13(4) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 by the Respondent's bank for the sale of the residential premises belonging to the Petitioners as described in Schedule (a) of the said notice. Notice was issued to the Respondent, with a view to settle the matter. In the meantime, the petitioner has cleared the entire dues of the Respondent's Bank, which were in the amount of Rs. 35,50,103/-. As a result of the default, by the Petitioners, there is also a Summary

Suit which has been filed by the Respondent Bank before the Civil Judge Senior Division at Merces, which bears No. 39/2025, in which the Petitioner has not yet been notified. That suit is for recovery of the very same amount due to the Respondent on the Petitioner having defaulted in repayment of the loan.

3. The Petitioners having now cleared the entire outstanding loan in the aforesaid amount, on instructions from Mr. Rishiraj S. Bhosale, Senior Manager of Canara Bank, Caranzalem, who is present in Court, learned Advocate for the Petitioners submits that there are no further dues payable by the Petitioners, consequently, the Respondent to issue a No Dues Certificate and a Certificate as proof of closure of the loan account of the Petitioners. Further statement is made on behalf of Respondent No. 2 that all documents pertaining to the property mortgaged with the Bank, i.e. the title documents, would be returned to the Petitioner within a week from the passing of this order. The said statement made on behalf of Respondent is accepted.

4. Further, on instructions from Mr. Rishiraj S. Bhosale, Senior Manager of Canara Bank, Caranzalem/Respondent No.2, learned Advocate for the Respondent submits that the Summary Suit bearing No. 39/2025 filed by the Respondent pending before the Civil Court would be withdrawn within a period of one week from today. The Civil Court is directed, on such an application being filed, to dispose of that suit in view of the statement made. A copy of this order shall be

placed before the Civil Court to facilitate in the disposal of the said suit. Even though the Civil Court may have fixed the next date of hearing in the aforementioned suit, ahead of the period of one week stipulated in this order, we request the Civil Judge to prepone the matter and take the same on the Board and dispose of the same. The Civil Court shall act on an authenticate copy of this order being placed before it.

5. In view of the fact that the Petitioner does not owe the Respondent any further amount under the said loan, on instructions from the Petitioners who are present before the Court, the learned Advocate appearing for the Petitioner seeks to withdraw the present petition. In view of the complete settlement of the dispute and the statement made before this Court, the petition stands disposed of.

AMIT S. JAMSANDEKAR, J. VALMIKI MENEZES, J.