

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO.4118/2015
WITH
CIVIL APPLICATION NO.11750/2014
WITH
CIVIL APPLICATION NO.11751/2014
WITH
CIVIL APPLICATION NO.7957/2014
WITH
CONTEMPT PETITION NO.500/2013
IN
WRIT PETITION NO.10753/2012**

Cosmos Cooperative Bank Ltd.
Pune

.. APPLICANT

Versus

Association of Engineering Workers
Shree Sai Dattakrupa Janata Society
Ahmednagar & Ors.

.. RESPONDENTS

...
Shri Sudhir V.Kulkarni ,Advocate for applicant
Shri Mahesh Bhosle h/f Shri P.V.Barde,Adv. for respondent no.1
Mr.Sudhir Patil h/f Mrs.Kalpalata Patil,Adv.For respondent nos.2 to 4
...

**CORAM : SUNIL P. DESHMUKH,J.
DATED : 17TH APRIL, 2015**

ORDER :-

1] The parties are not at issue that the Petition basically had been moved in order to secure the pecuniary interest of the petitioners, which is to the tune of Rs.71,09,707/-. The bank which is the secured creditor which had moved present Civil Application had proposed to

auction the property of respondent nos.2 to 4.

2] This Court under the earlier order dated 20/8/2014, had directed the auction proceeding pursuant to advertisement shall go on, however, from proceeds of the auction, an amount of Rs.1,15,00,000/- was directed to be set apart and be not appropriated till hearing of the Civil Application on the next date. Subsequently, the respondent no.1 and concerned members of respondent no.1 the original petitioner had settled the matter outside Court and accordingly the amounts were agreed to be paid to the members of respondent no.1 - the original petitioner awarding to a list/table. The entire dispute was agreed to be brought to an end, and the list/table has been tendered across the bar enumerating the amounts payable to workmen/members of organization of petitioner. The parties do not dispute its correctness and veracity. Said table/chart/list is taken on record and marked as "X" for identification.

3] The matter is stated to have been settled, the petitioner and respondent nos.1 to 4 accept the position that the terms of settlement have been reduced to writing outside the Court and would abide by the same.

4] Parties and the bank appear have agreed to the disbursement of the amounts according to the said table/chart/list from amount of Rs.71,09,707/-. The bank has agreed to disburse the said amount into accounts of the respondents workmen/members of respondent no.1 by R.T.G.S. according to the said chart/list/table. The whole exercise of disbursement shall be completed within one week from the date of receipt of this order. Balance of the amount remaining approximate Rs.33,000/- after disbursement, shall after deducting expenses for R.T.G.S. be remitted to respondent nos. 2 to 4 by the

bank.

5] In view of this, parties to Petition and Applications agree that nothing further is left to be decided by this court. Contempt Petition stands disposed of.

6] Civil Applications stand disposed of. Authenticated copy be allowed.

(SUNIL P. DESHMUKH,J.)

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