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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL REVISION APPLICATION NO. 212 OF 2015

Jalna District Central Co-operative Bank Ltd.,
Santoshi Mata Road, Jalna,
Through its General Manager

APPLICANT

VERSUS

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| <ol style="list-style-type: none">1. Shaikh Jabbar Sk. Karim
Age – Major, Occ – Business,2. Rizwana Begum d/o Sk. Karim,
Age – Major, Occ – Household3. Shaikh Nisar Sk. Karim,
Age – Major, Occ – Business4. Shaikh Nausad Sk Karim,
Age – Major, Occ – Business,5. Mahmuda Begum Anwar Husen,
Age – Major, Occ – Household,6. Mahmunnissa Begum Abu Bakkar,
Age – Major, Occ – Household,7. Saultana Begum Fakir Ahmed,
Age – Major, Occ – Household,

All R/o Lane No.12/1, Room No.1276,
Bandra Mumbai 400 0518. Sanjivani d/o Ramkrushna Ghogre,
Now Sanjivani w/o Anant Tare,
Age – Major, Occ – Household
R/o Kola Taluka – Sailu, District – Parbhani
GPA Shri Kalyan Ramsrushna Gogre,
R/o Gandhi Chaman, Juna Jalna9. Vilas Vithalrao Kharat,
Age – Major, Occ – Agriculture | <p>RESPONDENTS</p> |
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R/o Nutan Wasahat Ambad,
District – Jalna

10. Shaikh Gafoor Sk Kadar,
Age – Major, Occ – Business
11. Shaikh Madar s/o Sk Bandu,
Age – Major, Occ – Business
12. Shaikh Kasam s/o Sk. Bandu
Age – Major, Occ – Busienss,

Nos 10 to 12 R/o Patharnagar,
N. R. Bharat nagar, Bandra,
West Mumbai 51, Room No.227

13. Smt. Sugrabi w/o Baba
Age – Major, Occ – Household,
R/o Kasab Mohalla, Ambad
District – Jalna
14. Liquidator Samart Kukut Palan
Sahakari Sanstha Maryadit,
Lalwadi, Taluka – Ambad

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Mr. B.N. Patil, Advocate for the applicant
Mr. Amol Gandhi, Advocate for respondent No.9
Mr. M. K. Deshpande, Advocate for respondent No.10
Mr. S. B. Ghute, Advocate for respondent No.13
Mr. M. L. Dharashiv, Advocate for respondent No.14

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 22nd JANUARY, 2016

ORAL JUDGMENT :

1. Rule. Rule made returnable forth with and heard learned advocates for the appearing parties finally with consent.

2. Learned advocate for the applicant, on instructions, seeks leave to delete respondents No. 8, 11 and 12 from the array of respondents. Leave granted to delete respondents No. 8, 11 and 12 at the risk and peril of the applicant.
3. Heard learned advocate for the parties. Learned advocate for the applicant bank states that a joint property had been mortgaged with respondent No.14, a co-operative society.
4. A suit had been instituted by present respondents No.1 to 7 for partition and possession in respect of certain properties, including the mortgaged property. The suit was decreed.
5. Execution proceedings in respect of aforesaid decree are said to be pending, in which present applicant had put in objection. Respondent No.14 in the execution is stated to have got possession of 14 acre of land.
6. It appears that second appeal No.262 of 2001 had been preferred before this court by judgment debtors - present respondents No.1 to 7 in execution proceedings against decree of partition. In an interim order in said second appeal, this court had under order dated 4th January, 2008 restrained the parties

from taking further steps in execution proceedings over and above the execution which had already taken place.

7. It appears that the applicant bank has settled its dues and does not want to prosecute its objections.

8. In aforesaid execution proceedings, as referred to above, the objections were sought to be withdrawn by present applicant. However, in view of order dated 4th January, 2008, referred to above, the executing court appears to have perceived some difficulty in allowing the application for withdrawing objection filed by the applicant.

9. Having regard to aforesaid, the interim order, which is thought to have posed certain difficulty to the executing court to allow the application, does not appear to be an impediment since it is withdrawal of objection to the execution.

10. In view of the same, civil revision application is allowed in terms of prayer clause "C". The objection by the applicant is thus stands withdrawn. Civil revision application stands disposed of. Rule is made absolute accordingly.

[SUNIL P. DESHMUKH, J.]