

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION (ST) NO.12072 OF 2016

Arvind @ Ganpatrao Babasao
Patil

..Petitioner.

Vs

1. Warana Co-operative Bank
Ltd, Warananagar and Ors.

.. Respondents

Mr.Ruturaj Pawar, Advocate for Petitioner.

Mr. P.D.Pise, Advocate for Respondents no. 1 to 3.

Mr. Chetan G Patil, Advocate for Respondent no. 4

Mr.Amit Borkar, Advocate for Respondent no.5

Ms. M.S. Bane, B Panel counsel , AGP for Respondent no.6

CORAM : R.G.KETKAR,J.

DATE : 25/04/2017

PC:

1. Not on Board. At the request of Mr. Pawar, taken up in production Board. Heard Mr.Ruturaj Pawar, learned counsel for the petitioner, Mr P.D.Pise, learned counsel for respondents no.1 to 3, Mr. Chetan Patil, learned counsel for respondent no.4, Mr. Amit Borkar, learned counsel for respondent no.5 and Ms M.S.Bane, learned A.G.P for respondent no.6. Petitioner is a borrower. Respondent no.1-Bank is Creditor. Respondent no.4 Society is auction purchaser and respondent no.5 is co-borrower/surety to the loan availed by the petitioner.

2. Learned counsel for the petitioner, learned counsel for respondents no.1 to 3, learned counsel for respondent no.4 and learned counsel for respondent no. 5 have tendered Consent Terms duly signed by them as also by their Advocates. Along

with the Consent Terms, Resolution No.19 passed in the meeting of Board of Directors dated 29.3.2017 of respondent no.1 as also Resolution no.5 passed in the meeting of Board of Directors dated 14.3.2017 of respondent no.4 as also MOU dated 31.3.2017 are enclosed. The same is taken on record and marked 'A' Colly for identification.

3. Mr. Pawar states that petitioner is present in the Court. He has tendered photocopy of Aadhaar Card which is taken on record and marked B for identification. Mr Patil submits that Mr. Vikasrao Ashokrao Mane, Chairman of respondent no.4, is present in the Court. He has tendered photocopy of his Aadhaar card which taken on record and marked 'C' for identification. Mr. Pise submits that representative of respondent no.1 Mr. Subhash Balu Kadam is present in Court. He has tendered photocopy of his Pan Card which is taken on record and marked D for identification. Mr. Borkar submits that respondent no.5 is present in the court. He has tendered photocopy of Identity card issued by Election Commission of India which is taken on record and marked 'E' for identification.

4. Learned counsel for the respondents submit that they are the only contesting parties and rights of other parties in the petition are not adversely affected by the Consent Terms. In terms of the Consent Terms, contesting parties have agreed for setting aside auction sale dated 24th December, 2014 and

consequential steps taken in pursuance thereof including the sale deed executed on 17.3.2015 by respondent no.1-Bank in favour of respondent no.4 auction purchaser. The contesting parties who are present in the court admit and confirm correctness of the Consent Terms. Learned counsel for the contesting parties submit that the petition may be disposed of in terms of the Consent Terms.

5. After perusing the Consent terms, I am satisfied that the controversy between the parties is amicably settled in terms of the Consent Terms marked A Collectively. In view thereof, Petition is disposed of in terms of the Consent Terms . Order accordingly.

(R.G.KETKAR, J.)