

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

WRIT PETITION NO.1187 OF 2018

Shirish Dalichand Oswal	...Petitioner
Vs.	
Rupee Co-operative Bank Ltd. & Ors.	...Respondents

Mr.A.N. Nagargoje for Petitioner.
Mr.Pratap Patil for Respondent No.1.

Coram : G.S.KULKARNI, J

Date : 13th FEBRUARY 2018

P.C.

On 12th February 2018, Mr.Patil, learned Counsel for the respondent No.1, had made a statement that the Co-operative Court, Pune, has already disposed of the proceedings and the operative portion of the order was made available. The hearing of this petition was therefore adjourned for today to enable the learned Counsel for the petitioner to take instructions in regard to the development as stated by Mr.Patil.

2. Today Mr.Patil, learned Counsel for respondent No.1, has placed on record the operative order as passed by the learned Judge, Co-operative Court No.2, Pune, in Dispute No.58 of 2008 whereby the dispute stands decreed in the following terms:-

- “1) *The dispute is decreed with costs.*
- 2) *Opt nos.1 to 5 are jointly and severally liable to pay the*

disputant bank Rs.14,86,35,958.14 with future interest @ 16.5% p.a. from 01/02/2008 till its realization of entire dues.

3) Opponents are permanently restrained by issuing permanent injunction from disposing the property as described in schedule A & B of para no.1 till the repayment of entire dues.

4) The opt no.1 company is liable to pay Rs.5 Lakhs to the disputant bank as a compensation within one month from the date of Judgment.

5) Judgment dictated and declared in open Court.

4) The award shall be drawn accordingly.”

3. In view of the said orders passed by the Co-operative Court, nothing further remains to be adjudicated in this petition. Petition has become infructuous. It is, accordingly, disposed of.

4. Needless to observe that it would be open for the petitioner to approach the appropriate forum to challenge the decree as passed by the Co-operative Court, if the petitioner feels aggrieved by the same.

5. Keeping all the contentions of the parties open to be raised in any future proceedings, the petition is disposed of as infructuous.

(G.S.KULKARNI, J)