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

CIVIL WRIT PETITION (STAMP) NO.17737 OF 2018

Shaikh Jaweed Sarfraz Shaikh Abdul Haqq and Anr. ...Petitioners

Versus

Rupee Co-operative Bank Limited

Through its Administrator and Ors. ...Respondents

Mr.D.S.Patil, i/b Mr.P.S.Patil, for the Petitioners.

Mr.Ojas Deolankar, for the Respondent No.1.

Mr.S.D.Rayarikar, A.G.P for the Respondent No.4.

Mr.Udaykumar V. Math, Manager, Rupee Co-operative Bank Limited is present.

CORAM : REVATI MOHITE DERE, J.

DATE : 10th OCTOBER, 2018

P.C. :

1. Considering the controversy raised in this Petition, the learned counsel for the Respondent No.1, has taken instructions.

2. Learned Counsel for the Respondent No.1 – Rupee Co-operative Bank Limited, on the instructions of Mr.Udaykumar V. Math,

Manager, Rupee Co-operative Bank Limited, who is present in this Court, makes a statement that since Gat No.14 has been attached and pursuant thereto, auction has taken place, the Respondent No.1 would release Gat No.15, attached by them vide order dated 8th August, 2013.

3. Learned Counsel for the Petitioners disputes the said statement made by the learned counsel for the Respondent No.1, that Gat No.14 has been auctioned.

4. Be that as it may, considering the prayer of the Petitioners and the statement made by the learned counsel for the Respondent No.1, on instructions, Gat No.15 is released from attachment. Accordingly, the impugned order dated 8th August, 2013, passed by the Respondent No.2 – Special Recovery Officer, Rupee Co-operative Bank Limited and confirmed by the learned Divisional Joint Registrar, Co-operative Society, Pune at Pune i.e. the Respondent No.4, vide order dated 9th January, 2018, are quashed and set aside.

5. Learned Counsel for the Respondent No.1 on instructions of

the Respondent No.1, makes a statement that Gat No.15 (belonging to the Petitioners) will be released within two weeks, from today, after completing the necessary formalities. Statement accepted.

6. Petition is accordingly disposed of on the aforesaid terms.
7. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)