

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8491/2018

The Pavana Sahakari Bank Ltd. & Anr. ... Petitioners

V/s.

State of Maharashtra & Ors. ... Respondents

Mr. V. H. Narvekar for the Petitioners

Mr. A. P. Vanarase, AGP for Respondent State

**CORAM: K.K. TATED &  
N. J. JAMADAR, JJ.**

**DATED : OCTOBER 26, 2018**

**P.C. :**

1 Heard. By this petition under Article 226 of the Constitution of India the Petitioners seek direction against the Respondent to execute the order of attachment dated 01.10.2015 and 25.07.2017 passed by Petitioner No.2 and recover the said amount from the Respondent. He further submits that the Respondent Tahasildar may be directed to execute the attachment order dated 25.07.2017 by attaching the salary of Respondent No.6 to recover the remaining amount.

2 Today the learned AGP has filed affidavit dated 26.10.2018 duly affirmed by Mr. Ranjeet Pandurang Desai, Tahasildar, Maval, Dist. Pune. In paragraph 5, it is stated that they will recover and handover a sum of Rs.1,29,000/- to the Petitioner as and when same is sanctioned by the Authority. Paragraph 5

reads thus:

*“5. I say that, I was present personally before the Hon'ble Court for hearing on 24.10.2018 and as per the direction of this Hon'ble Court and as per an attachment order passed by the Special Recovery and Sales Officer, Pawana Sahakari Bank Ltd., Pune on 01.10.2018 (Annexed at Exh.G on page 33 to the present petition), I will pay to the Petitioner an amount of Rs.60,000/- of Deposit Linked Insurance Scheme and an amount of Rs.69000/- (approx) of leave encashment after sanctioning the bill.”*

3 The learned AGP, on instructions from the concerned Tahasildar, makes a statement that the Tahasildar will execute the attachment order dated 25.07.2017 according to law as early as possible. The statement is accepted.

4 In view of these facts, the Writ Petition stands disposed of with following directions:

- a. The Respondent No.3 to recover the sum of Rs.1,29,000/- from the service benefits of deceased Sachin Ramdas Shegar, as and when it is sanctioned and remit the same to Petitioner No.1.
- b. Respondent No.4 to execute the attachment order dated 25.07.2017 according to law as early as possible.
- c. The Writ Petition stands disposed of accordingly. No order as to costs.
- d. Parties to act on an authenticated copy of this order.

(N. J. JAMADAR, J.)

(K. K. TATED, J.)