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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11965 OF 2018

Madan A. Pawar	...Petitioner
V/s.	
The Cosmos Co-op. Bank Ltd. & Ors.	...Respondents

WITH
WRIT PETITION (STAMP) NO.29801 OF 2018

Suresh A. Pawar	...Petitioner
V/s.	
The Cosmos Co-op. Bank Ltd. & Ors.	...Respondents

Mr.Avinash H. Fatangare for the Petitioner in Writ Petition No.11965 of 2018.

Mr.A.H. Fatangare I/b Ms.Vishakha Pandit for the Petitioner in Writ Petition (Stamp) No.29801 of 2018.

Mr.Abhijeet P. Kulkarni for the Respondent No.2 in both the Writ Petitions.

CORAM : R.D. DHANUKA, J.
DATE : 19TH OCTOBER, 2018.

P.C. :-

1. By consent of the petitioner and the respondent no.2, the following order is passed :-

a). The Executing Court is permitted to issue a share certificate in favour of the respondent no.2 in respect of the property

in question.

b). Learned counsel for the respondent no.2 on instructions states that till the application filed by the petitioner (Exhibit – 82) which is the subject matter of Writ Petition No.11965 of 2018 and Exhibit – 54 which is the subject matter of Writ Petition (Stamp) No.29801 of 2018 is heard and disposed of by the Executing Court along with all other pending applications in the said Darkhast Application and for a period of two weeks from the date of communication of the order, the respondent no.2 will not take any further steps in furtherance of the said share certificate that may be issued by the Executing Court pursuant to the impugned order passed by the Executing Court. The statement is accepted.

c). It is made clear that the said share certificate which would be issued by the Executing Court pursuant to the impugned order, would be subject to further orders as may be passed by the Executing Court in the applications filed by the petitioner in both the writ petitions and the same is not accepted by the learned counsel for the petitioner.

d). The aforesaid two exhibits filed by the petitioner in both the writ petitions and all other pending applications in the said Darkhast Application filed by the respondent no.2, shall be decided within six months from the date of the communication of this order.

e). No party shall ask for any unnecessary adjournment before the learned Executing Court.

f). If any party does not co-operate, the conduct of such party shall be highlighted in the order that may be passed by the Executing Court.

g). All the contentions of both the parties on merits of the matter are kept open.

2. All the parties as well as the Executing Court to act on the authenticated copy of this order.

Vasant
Anandrao Idhol

Digitally signed by Vasant
Anandrao Idhol
Date: 2018.10.22 17:20:17
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(R.D. DHANUKA, J.)