

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.3051 OF 2015

Chottelal Mataprasad Dubey	...	Petitioner
Versus		
The State of Maharashtra		
And Others	...	Respondents

.....

Mr. Anjani Kumar Singh I/b Lexs Remedeum for the Petitioner.
Mr. D.S. Hatle I/b Mr. Deepak Jamsandekar for Respondent Nos.2 and 3.

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CORAM : S.C. GUPTE, J.

DATE : 26 APRIL 2019

P. C. :

. This petition challenges a direction issued by the Special Recovery and Sales Officer of Respondent No.-2 bank, who is represented by its Liquidator, for attachment of movable and immovable properties at 7A, Shiv-Krupa Building 'E' Wing, Dr. Sarvapalli Radhakrishna Road (Old Nagardas Road), Andheri (East), Mumbai- 400 069.

2 It is the case of the Petitioner that this property has no connection with the purported dues owed by his daughter-in-law, wife and son under the recovery certificate issued under Section 101 of Maharashtra Co-operative Societies Act, 1960. The Petitioner is neither a principal borrower nor a guarantor in respect of the loan, for which the subject recovery certificate was issued. Respondent No.2-bank does not dispute this fact. So also, there is no contest that the above mentioned property is owned by the Petitioner. Learned Counsel for Respondent Nos.2 and 3

states that his clients shall not proceed against this property or the Petitioner for recovery of its dues under the recovery certificate dated 28 November 2011, issued in Recovery Application No.3910 of 2010. The statement is accepted.

3 In view of the statement, the Petitioner does not press his petition. The writ petition is accordingly disposed of as not pressed, after accepting the statement of learned Counsel for Respondent Nos.2 and 3.

(S.C. GUPTE, J.)