

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.**

WRIT PETITION NO. 3643 OF 2019

The Yeovatmal District Central Co.Op Bank Ltd

Vs.

The Mohagaon Taluka Ginning and Pressing Co.Op Society Ltd and ors

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.M.Ghare, Advocate for petitioner.

Shri S.D.Dharaskar, Advocate for respondent nos. 1 and 2

Shri N.S.Bhattad, Advocate for Respondent No.3

**CORAM :- SUNIL B. SHUKRE AND
AVINASH G. GHAROTE, JJ.**

DATED :- 06.04.2021

C.A.W. No. 567/2021

Hearing is conducted through Video Conferencing and all the learned Advocates agreed that the audio and visual quality was proper.

Heard Shri Ghare, learned counsel for the petitioner, Shri Dharaskar, learned counsel for respondent Nos. 1 & 2 and Shri Bhattad, learned counsel for respondent No.3.

Perused the application bearing C.A. No. 567/2021 jointly filed by the parties.

Learned counsel for the petitioner and the learned counsel for the respective respondents together submit that the parties to the dispute have reached an out of court settlement voluntarily and the terms of settlement are recorded in the civil application. They submit that accordingly this petition be disposed of in terms of the

settlement amicably reached between the parties and also after setting aside the impugned judgment and order passed by the Debts Recovery Tribunal.

By the impugned judgment and order, sale of the mortgaged property effected in public auction in favour of respondent No.3 has been set aside. But, now not only the bank, but also all the respondents including the auction purchaser who is respondent No.3 have agreed that this sale be confirmed in favour of respondent No.3 and the terms of settlement cannot be implemented unless the impugned judgment and order are quashed and set aside.

In view of above, the impugned judgment and order are hereby quashed and set aside and the petition is disposed of in terms of the settlement reached between the parties on the terms which are specifically recorded in clauses (i), (ii) and (iii) of paragraph No.1 of Civil Application No. 567/2021 filed in this petition.

These terms of settlement shall form essential part of this order and parties are directed to abide by the same.

Civil application as well as the writ petition stand disposed of accordingly. No costs.

C.A.W. No. 1412/2020

This Civil Application also stands disposed of in above terms.

JUDGE

JUDGE