

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 1850 OF 2022
IN WRIT PETITION NO.10712 OF 2021

SANGLI URBAN CO-OP. BANK LTD. SANGLI
THROUGH ITS RECOVERY OFFICER

VERSUS

SURANA BUILDERS AND DEVELOPERS THROUGH ITS
PROPRIETORSANJAY LALCHANDJI SURANA AND OTHERS

...

Mr. Arvind R. Joshi, Advocate for Applicant

Mr. S. G. Karlekar, AGP for Respondents No.1 to 3-State

Mr. Yashwant P. Jadhav, Advocate h/for Mr. V. D. Salunke, Advocate for
Petitioner (in WP/10712/2021)

Mr. Kunal Kale, Advocate holding for Mr. Devang R. Deshmukh,
Advocate for Respondent No.6 (Respondent No. 4 in WP/10712/2021)

Mr. Nitin N. Jagdale, Advocate for Respondents No.7 and 8
(Respondents No. 5 and 6 in WP/10712/2021)

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**CORAM : A. S. GADKARI AND
S. G. MEHARE, JJ.**

DATE : 15-02-2022

P. C. :-

1. This is an application for intervention filed by applicant- Sangli Urban Co-operative Bank Limited, Branch at Parbhani.

2. It is the contention of the applicant that, they had advanced loan approximately to the tune of Rs.10 Crores to the respondent No. 7 in the present application (respondent No.5 in the Writ Petition) i.e. Ambejogai Sahkari Sakhar Karkhana Limited (in short, 'Sugar Factory'). After getting a Recovery Certificate from Co-operative Court, Nanded, a charge was accordingly created on the property of Sugar Factory. A mutation certificate to that effect is annexed at page No. 18

of the Application. It is further contention of the applicant that, they have first charge on the suit property. Despite the said fact, the respondent No.7 entered into Sale Deed with the petitioners herein / respondents No. 1 and 2 in the present Application and sold the property of respondent No.7 Sugar Factory to them. In this premise, the present application is filed seeking its impleadment as a party respondent in the main petition.

3. Having heard the respective parties and after perusing the application, this Court is of the considered view that, the applicant is a necessary party as Respondent to the petition and needs to be heard in the petition.

4. In view thereof, Civil Application is allowed in terms of prayer clause 'B' and 'C'.

5. The petitioners in Writ Petition 10712 of 2021 are directed to implead the applicant - Sangli Urban Co-operative Bank Limited, Branch at Parbhani, as respondent No.7 in the Petition.

Necessary amendment be carried out within a period of three weeks from today in the record of the Court and simultaneously in the copies served upon the learned counsel for the respective Respondents.

(S. G. MEHARE)
JUDGE

(A. S. GADKARI)
JUDGE