

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3792 OF 2022

THE NANDED DISTRICT CENTRAL CO-OPERATIVE BANK LTD
VERSUS
JAI AMBIKA SAHAKARI SAKHAR KARKHANA AND ANOTHER

...
Advocate for Petitioner : Mr. K.J. Suryawanshi

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 4th April, 2022

ORDER :

1. The petitioner is aggrieved by the order passed by the learned 3rd Joint Civil Judge (Senior Division), Nanded below Exh.11 in Special Darkhast No. 38 of 2011, thereby rejecting the application filed by the petitioner under Order 1 Rule 10 read with Order 6 Rule 17 and Section 151 of the Code of Civil Procedure seeking addition of the third party namely Kunturkar Sugar and Agro Pvt. Ltd.

2. The said application is filed by the petitioner contending that all the assets and liabilities of the original judgment debtor are purchased by the Kunturkar Karkhana therefore, Kunturkar Karkhana needs to be added party as

judgment debtor to outstanding amount.

3. The Executing Court rejected the application by placing reliance on the decision of the coordinate bench of this Court, in Writ Petition No. 8903 of 2014 and connected matters. In the said decision this Court has held that when the property is auctioned under the provisions of SARFASESI Act, then the liability is not inherited by the auction purchaser and the auction purchaser is not liable to pay outstanding dues of the erstwhile owner/judgment debtor.

4. In that view of the matter the Executing Court was justified in rejecting the application filed by the petitioner by correctly relying on the decision of this Court in Writ Petition No. 8903 of 2014. There is no illegality or perversity in the impugned order in petition. The petition being devoid of the merit is dismissed.

5. No costs.

**[NITIN B. SURYAWANSHI]
JUDGE**