

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

69 WRIT PETITION NO.7430 OF 2022

PRIYADARSHNI MAHILA SAHAKARI BANK LTD. THROUGH ITS
AUTHORIZED OFFICER RAHUL SHAMRAO MUNGLE
VERSUS
VIJAYA BANSI SONNE AND OTHERS

....

71 WRIT PETITION NO.7433 OF 2022

PRIYADARSHNI MAHILA SAHAKARI BANK LTD. THROUGH ITS
AUTHORIZED OFFICER RAHUL SHAMRAO MUNGLE
VERSUS
VIMAL UDDHAVRAO PATIL MOTE AND OTHERS

....

Mr. M.U. Shelke, Advocate for the Petitioner

....

CORAM : MANGESH S. PATIL, J.

DATE : 18 JULY 2022

PER COURT:-

Heard.

2. The petitioner is a credit co-operative society registered under the Maharashtra Co-operative Societies Act, 1960. It is seeking to challenge the compromise decrees passed between the respondents *inter se*, some of which are its borrowers on the ground that in spite of the loans having been secured by way of a mortgage with the petitioner society, an attempt has been made to

defraud it by selling the mortgaged land and the compromise decrees have been procured.

3. The anxiety of the petitioner society apart, if according to it, the lands were already mortgaged with it, any subsequent transfer or the interest created in someone by the borrower would not affect its interest. It may have its own remedies to go for the recovery. Learned advocate Mr. Shelke submits that already recovery proceedings have been initiated.

5. If such is the state of affairs when the petitioner society is not a party to the suit in which the compromises have been entered with, the decrees would not be binding on it and it would be open for the petitioner to recover the money.

6. The writ petitions are dismissed.

[MANGESH S. PATIL]
JUDGE

S.P. Rane