

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8041 OF 2022

Mr.Hemant Hanmantrao Kadam and others. ... Petitioners.

V/s.

The State of Maharashtra and others. ... Respondents.

Mr.Surel Shah i/b. Mr.A.M.Patil for the Petitioners.

Ms.K.N.Solunke, AGP for the Respondent- State.

Mr.V.A.Shastry for Respondent No.3.

SANJAY
KASHINATH
NANOSKAR

Digitally signed by
SANJAY KASHINATH
NANOSKAR
Date: 2022.09.15
11:54:03 +0530

CORAM : **NITIN JAMDAR AND
SHARMILA U. DESHMUKH, JJ.**

DATE : **8 September 2022.**

P.C. :

Heard the learned counsel for the parties.

2. The Petitioners are borrowers whose properties are put for auction by Respondent No.3- Recovery Officer of the Bank. The Petitioners' grievance is that without hearing the Petitioners and without giving any documents to the Petitioners, the matter is closed for fixing the upset price.

3. The learned counsel for Respondent No.3 states that necessary documents have been handed over to the learned counsel for the Petitioners. The learned counsel for the Petitioners states that

Respondent Nos.4, 5 and 6 are co-borrowers along with present Petitioners, there is no dispute between them and it would suffice if the Respondent- Bank gives hearing to Petitioner No.1.

4. The learned counsel for Respondent No.3 states that after giving hearing as contemplated under third proviso to clause (f) of sub-rule (11) of Rule 107 of the Maharashtra Co-operative Societies Rules, 1961, the Respondent No.3 will proceed further under the said Rule.

5. In view of the consensus between the parties at bar, no further orders are required to be passed except recording and accepting the above statements.

6. Writ petition is disposed of accordingly.

(SHARMILA U. DESHMUKH, J.)

(NITIN JAMDAR, J.)