



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12186 OF 2023

- | | |
|---|---|
| 1. Ramchandra Krishna Phalke |] |
| Age – 65 years, Occ. - Nil, |] |
| R/o. Ajinkya Colony, Satarajal, Satara, |] |
| Tal. & Dist. Satara, |] |
| 2. Mubarak Jafar Mulani, |] |
| Age – Major, Occ. - Nil, |] |
| A/P Limb, Tal & Dist. Satara. |] |
| 3. Krishna Ramchandra Badadare |] |
| (Since Deceased) through his Legal Heir |] |
| Shri Nitin Krishna Badadare |] |
| A/P Ambavde, |] |
| Tal. Koregaon, Dist. Satara. |] |
| 4. Mahadeo Sarjerao Jadhav |] |
| Age – Major, Occ. - Nil, |] |
| A/P Belmaci, Tal. Wai, Dist. Satara. |] |
| 5. Vishvas Tatyaba Gore |] |
| Age – Major, Occ. - Nil, |] |
| R/o. Saimangal Karyalay, Vadhe Phata, |] |
| Satara, Dist. Satara. |] |
| 6. Ramchandra Balwant Phadatare |] |
| (Since Deceased) through his Legal Heir |] |
| Shahaji Ramchandra Phadatare |] |
| Age – 47 years, Occ. - Service, |] |
| R/o. Bhuvikas Bank Colony, |] |
| Daulatnagar, Satara. |] |
| 7. Ramchandra Parabati Kirdat |] |
| Age – Major, Occ. - Nil, |] |
| R/o. Karanje, Satara, Tal. & Dist. Satara |] |
| 8. Padmakar Appasaheb Aherrao |] |
| Age – Major, Occ. - Nil, |] |
| R/o. Prathamesh Apartment, |] |
| Shaniwar Peth, Tal. & Dist. Satara |] |

9. ~~Vishnu Sakharam Kadam~~]
~~(Since Deceased) through his Legal Heir~~]
~~Shri Santosh Vishnu Kadam~~]
~~A/P Khed, Tal. Koregaon, Dist. Satara.~~]
10. Mahadev Dadu Jadhav]
Age – Major, Occ. - Nil,]
R/o. Bhuvikas Colony, Daulatnagar,]
Satara, Tal. & Dist. Satara.]
11. Bhairavsing Jaysingrao Patankar]
Age – Major, Occ. - Nil,]
A/P Patan, Tal. & Dist. Satara.] ... Petitioners

Versus

1. Satara District Agricultural Rural &]
Multipurpose Development Co-Operative]
Bank Ltd., Satara,]
Through The Liquidator,]
Narveer Tanaji Marg, Daulat Nagar, Satara.]
2. Administrator & Zilha Up-Nibandhak (D.D.R.)]
Dist. Satara & Satara District Agricultural Rural]
& Multipurpose Development Co-Operative]
Bank Ltd., Satara,]
Narveer Tanaji Marg, Daulat Nagar, Satara.] ... Respondents

WITH

WRIT PETITION NO.12187 OF 2023

1. Mahadev Ravba Ithape]
Age – 74 years, Occ. - Retired,]
R/o. Degaon, Tal. Wai, Dist. Satara.]
2. Uttam Namdeo Katkar]
Age – Major, Occ. - Nil,]
R/o. Raghunathpura Peth, Karanje Peth,]
Satara, Tal. & Dist. Satara.]
3. Eknath Ganpat Nikam]
Age – Major, Occ. - Nil,]
R/o. Bhuvikas Bank Colony, Daulatnagar,]
Satara.]

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|---|---|-----------------|
| 4. Dattatraya Baburao Nimbalkar |] | |
| Age – Major, Occ. - Nil, |] | |
| R/o. A/P Kolki, Tal. Phaltan, Dist. Satara. |] | |
| 5. Dattatraya Laxman Sakpal |] | |
| Age – Major, Occ. - Nil, |] | |
| R/o. A/P Kenjal, Tal. Wai, Dist. Satara. |] | |
| 6. Namdeo Vitthal Salunkhe |] | |
| Age – Major, Occ. - Nil, |] | |
| R/o. Visapu, Tal. Khatav, Dist. Satara. |] | |
| 7. Sampat Maruti Bhosale |] | |
| Age – Major, Occ. - Nil, |] | |
| R/o. Bhuvikas Bank Colony, Daulatnagar, |] | |
| Satara. |] | |
| 8. Shankar Mahadeo Bhojane |] | |
| Age – Major, Occ. - Nil, |] | |
| A/P Palshi, Tal. Man, Dist. Satara. |] | |
| 9. Sarjerao Sahebrao Yadav |] | |
| Age – Major, Occ. - Nil, |] | |
| R/o. A/P Pargaon,, Tal. Khandala, |] | |
| Dist. Satara. |] | |
| 10. Shivaji Vithoba Jadhav |] | |
| Age – Major, Occ. - Nil, |] | |
| R/o. A/P Chinchner, Tal. & Dist. Satara. |] | ... Petitioners |

Versus

- | | | |
|---|---|-----------------|
| 1. Satara District Agricultural Rural & |] | |
| Multipurpose Development Co-Operative |] | |
| Bank Ltd., Satara, |] | |
| Through The Liquidator, |] | |
| Narveer Tanaji Marg, Daulat Nagar, Satara. |] | |
| 2. Administrator & Zilha Up-Nibandhak (D.D.R.) |] | |
| Dist. Satara & Satara District Agricultural Rural |] | |
| & Multipurpose Development Co-Operative |] | |
| Bank Ltd., Satara, |] | |
| Narveer Tanaji Marg, Daulat Nagar, Satara. |] | ... Respondents |

WITH
WRIT PETITION NO.8960 OF 2022

1. Tatyaba Dagadu Suryavanshi]
(Since Deceased) Through his Legal Heir]
Smt. Suman Tatyaba Suryavanshi]
R/o. Bhu-Vikas Bank, Daulatnagar, Satara.]
2. Dhanaji Vitthal Pawar]
Age – Major, Occ. - Nil,]
R/o. A/P Bhadavde, Tal. Khandala,]
Dist. Satara.]
3. Prabhatkumar Dinkar Khude]
Age – Major, Occ. - Nil,]
R/o. Karmaveernagar, Khandobamal,]
Near Shivraj Pump, Satara.]
4. Ramchandra Mahadeo Pawar]
Age – Major, Occ. - Nil,]
A/P Mardi, Tal. Man, Dist. Satara.]
5. Dnyaneshwar Rajaram Chorge]
Age – Major, Occ. - Nil,]
R/o. A/P Kondhave, Tal. & Dist. Satara.]
6. Hanmant Anandrao Kadam]
Age – Major, Occ. - Nil,]
R/o. A/P Malgaon, Tal. & Dist. Satara.]
7. Balkrishna Narayan Pawar]
Age – Major, Occ. - Nil,]
R/o. A/P Medha, Tal. Javal, Dist. Satara.]
8. Bharat Vitthal Pawar]
Age – Major, Occ. - Nil,]
R/o. Prerna, Sadarbazar, Satara,]
Tal. & Dist. Satara.]
9. Hanmant Tukaram Pawar]
(Since Deceased) Through his Legal Heirs]
(a) Smt. Mandakini Hanmant Pawar, Wife]
Age – Major, Occ. - Nil,]
(b) Shri Arun Hanmant Pawar, Son]
Age – Major, Occ. - Nil,]
A/P Arphal, Tal. & Dist. Satara.]

- | | | |
|--|---|-----------------|
| 10. Tanaji Eknath Khandagale |] | |
| Age – Major, Occ. - Nil, |] | |
| R/o. A/P Khandala, Tal. Khandala, |] | |
| Dist. Satara. |] | |
| 11. Daulatrao Tulsidas Raut |] | |
| Age – Major, Occ. - Nil, |] | |
| R/o. Golibar Maidan, Bhosale Heritage, |] | |
| Phaltan, Tal. Phaltan, Dist. Satara. |] | |
| 12. Gaurihar Dattatray Mahaparale |] | |
| (Since Deceased) Through his Legal Heir |] | |
| Smt. Bhagirathi Gaurihar Mahaparale, Wife, |] | |
| Age – Major, Occ. - Nil, |] | |
| R/o. Lonar Galli, Raviwarpeth, Satara, |] | |
| Tal. & Dist. Satara. |] | ... Petitioners |

Versus

- | | | |
|---|---|-----------------|
| 1. Satara District Agricultural Rural & |] | |
| Multipurpose Development Co-Operative |] | |
| Bank Ltd., Satara, |] | |
| Through The Liquidator, |] | |
| Narveer Tanaji Marg, Daulat Nagar, Satara. |] | |
| 2. Administrator & Zilha Up-Nibandhak (D.D.R.) |] | |
| Dist. Satara & Satara District Agricultural Rural |] | |
| & Multipurpose Development Co-Operative |] | |
| Bank Ltd., Satara, |] | |
| Narveer Tanaji Marg, Daulat Nagar, Satara. |] | ... Respondents |

WITH

WRIT PETITION NO.8961 OF 2022

- | | |
|--|---|
| 1. Ashok Bapurao Kale |] |
| Plot No.34/B, Shivnagar, |] |
| Near Vyankatura Peth, Satara – 415 002. |] |
| 2. Shri Shankar Bhairu Gurav |] |
| (Since Deceased) Through his Legal Heirs |] |
| (a) Smt. Parvati Shankar Gurav, Wife |] |
| Age – 70 years, Occ. - Nil, |] |
| R/o. Shivnagar, Shahupuri, Satara, |] |
| Dist. Satara | |

- | | | |
|---|-------|-----------------|
| (b) Dhananjay Shankar Gurav, Son |] | |
| Age – 49 years, Occ. - Nil, |] | |
| R/o. Shivnagar, Shahupuri, Satara, |] | |
| Dist. Satara | | |
|
3. Baban Shamrao Kadam |
] | |
| Age – Major, Occ. - Nil, |] | |
| R/o. 798, Shanivar Peth, Satara. |] | |
|
4. Gopal Dagadu Adhav |
] | |
| Age – Major, Occ. - Nil, |] | |
| R/o. Kshetra Mahuli, Tal. & Dist. Satara. |] | |
|
5. Prakash Nilkanth Chavan |
] | |
| Age – Major, Occ. - Nil, |] | |
| R/o. 114, Kesarkar Peth, Satara. |] | |
|
6. Chandrakant Vithoba Ombale |
] | |
| Age – Major, Occ. - Nil, |] | |
| R/o. Kedambe, Tal. Jewali, Dist. Satara. |] | |
|
7. Honrao Shivram Jadhav |
] | |
| (Since Deceased) Through his Legal Heir |] | |
| Smt. Sulochana Honrao Jadhav, |] | |
| Age – 68, Occ. - Housewife, |] | |
| R/o. 54B, Vikasnagar, Satara. |] | |
|
8. Vasantrao Dnyandev Sabale |
] | |
| Age – Major, Occ. - Nil, |] | |
| R/o. Shivnagar, Tal. & Dist. Satara. |] | |
|
9. Prakash Maruti Aadhav |
] | |
| Age – Major, Occ. - Nil, |] | |
| R/o. Kshetra Mahuli, Tal. & Dist. Satara. |] | |
|
10. Janardan Rajaram Nikam |
] | |
| Age – Major, Occ. - Nil, |] | |
| R/o. Kshetra Mahuli, Tal. & Dist. Satara. |] | |
|
11. Madhukar Ramchandra Nalawade |
] | |
| (Since Deceased) Through his Legal Heir |] | |
| Kiran Madhukar Nalawade, Son |] | |
| Age – Major, Occ. - Nil, |] | |
| R/o. 383/4, Shahupuri, Tal. & Dist. Satara. |] | ... Petitioners |

Versus

- | | | |
|---|---|-----------------|
| 1. Satara District Agricultural Rural & |] | |
| Multipurpose Development Co-Operative |] | |
| Bank Ltd., Satara, |] | |
| Through The Liquidator, |] | |
| Narveer Tanaji Marg, Daulat Nagar, Satara. |] | |
| | | |
| 2. Administrator & Zilha Up-Nibandhak (D.D.R.) |] | |
| Dist. Satara & Satara District Agricultural Rural |] | |
| & Multipurpose Development Co-Operative |] | |
| Bank Ltd., Satara, |] | |
| Narveer Tanaji Marg, Daulat Nagar, Satara. |] | ... Respondents |

WITH**WRIT PETITION NO.8962 OF 2022**

- | | |
|---|---|
| 1. Abhimanyu Ramchandra Kadam |] |
| Age – 75 years, Occ. - Retired, |] |
| R/o. Malgaon, Tal. & Dist. Satara. |] |
| | |
| 2. Balasaheb Bhausaheb Kadam |] |
| Age – Major, Occ. - Nil, |] |
| R/o. Back side of Anandwadi, Dattamandir, |] |
| Satara. |] |
| 3. Sampat Shankarrao Gaikwad |] |
| Age – Major, Occ. - Nil, |] |
| R/o. A/P Taradgaon, Tal. Phaltan, Dist.Satara.] |] |
| | |
| 4. Sadashiv Nivrutti Ahire |] |
| Age – Major, Occ. - Nil, |] |
| R/o. 10, Chintamani Hsg. Society, Shahupuri, |] |
| Satara, Tal. & Dist. Satara. |] |
| | |
| 5. Chandrakant Vithoba More |] |
| Age – Major, Occ. - Nil, |] |
| R/o. A/P Sasurve, Tal. Koregaon, Dist.Satara.] |] |
| | |
| 6. Balkrishna Appa Galande |] |
| Age – Major, Occ. - Nil, |] |
| R/o. A/P Dahiwadi, Tal. Man, Dist.Satara. |] |

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|---|---|-----------------|
| 7. Anandrao Ganapati Bhilare |] | |
| (Since Deceased) Through his Legal Heir |] | |
| Smt. Alka Anandrao Bhilare |] | |
| Age – 65 years, Occ. - Housewife, |] | |
| A/P Dhebewadi, Tal. Patan, Dist. Satara. |] | |
| 8. Krishnaji Jagdeo Kadam |] | |
| (Since Deceased) |] | |
| A/P Pimpode Khurd, Tal. Koregaon, |] | |
| Dist. Satara. |] | |
| (a) Smt. Jayashri Krishnaji Kadam (Wife) |] | |
| Age – 68 years, Occ. - Nil, |] | |
| A/P Pimpode Khurd, Tal. Koregaon, |] | |
| Dist. Satara. |] | |
| (b) Chetan Krishnaji Kadam (Son) |] | |
| Age – 45 years, |] | |
| A/P Pimpode Khurd, Tal. Koregaon, |] | |
| Dist. Satara. |] | |
| (c) Pradip Krishnaji Kadam (Son) |] | |
| Age – 42 years, |] | |
| A/P Pimpode Khurd, Tal. Koregaon, |] | |
| Dist. Satara. |] | |
| (d) Sulabha Vikas Ahirekar (Daughter) |] | |
| Age – 48 years, |] | |
| A/P Vikhale, Tal. Koregaon, Dist. Satara. |] | |
| (d) Pratibha Ramdas Jadhav (Daughter) |] | |
| Age – 44 years, |] | |
| A/P Kodoli, Tal. & Dist. Satara. |] | |
| 9. Balkrishna Vishwasrao Sabale |] | |
| Age – Major, Occ. - Nil, |] | |
| R/o. Bhuvikas Bank Colony, Daulatnagar |] | |
| Satara. | | |
| 10. Uttam Dinkar Ghatage |] | |
| Age – Major, Occ. - Nil, |] | |
| R/o. A/P Mol, Tal. Khatav, Dist. Satara. |] | |
| 11. Rajnikant Eknath Kaware |] | |
| Age – Major, Occ. - Nil, |] | |
| R/o. Budhwar Peth, Satara, Tal. & Dist. Satara. |] | ... Petitioners |

Versus

5. Dharmaji Dagadu Phalke]
Age – Major, Occ. - Nil,]
R/o. Pimpalwadi, Po. Dhavadashi,]
Tal. & Dist.Satara.]
6. Shivram Tukaram Desai]
Age – Major, Occ. - Nil,]
A/P Paparde, Tal. Patan, Dist.Satara.]
7. Suryakant Rajaram Salulnke]
Age – Major, Occ. - Nil,]
A/P Degaon, Tal. & Dist. Satara.]
8. Vijaykumar Shankar Jagtap]
Age – Major, Occ. - Nil,]
A/P Udatore, Tal. Wai, Dist. Satara.]
9. Vilas Mukinda Mane]
Age – Major, Occ. - Nil,]
R/o. Dare Kh., Tal. Wai, Dist. Satara.]
10. Uttam Joti Ghorpade]
Age – Major, Occ. - Nil,]
R/o. Bhuvikas Bank Colony, Daulatnagar,]
Satara.]

Versus

1. Satara District Agricultural Rural &]
Multipurpose Development Co-Operative]
Bank Ltd., Satara,]
Through The Liquidator,]
Narveer Tanaji Marg, Daulat Nagar, Satara.]
2. Administrator & Zilha Up-Nibandhak (D.D.R.)]
Dist. Satara & Satara District Agricultural Rural]
& Multipurpose Development Co-Operative]
Bank Ltd., Satara,]
Narveer Tanaji Marg, Daulat Nagar, Satara.]

... Respondents

WITH
WRIT PETITION NO.8967 OF 2022

1. Tulsidas Dinkar Yewale]
(Since Deceased) through his Legal Heirs]

- (a) Smt. Satwashila Tulsidas Yewale]
Age – 65 years, Occ. - Housewife,]
(b) Rahul Tulsidas Yewale]
Age – 37 years,]
Both R/o. Sr.No.36/4A/1/5, Plot No.4A,]
Vikasnagar, Satara, Tal. & Dist. Satara.]
2. Laxman Tukaram Argade]
(Since Deceased) through his Legal Heirs]
(a) Smt. Sushila Laxman Argade]
Age – 57 years, Occ. - Housewife,]
(b) Shashikant Laxman Argade]
Age – 36 years, Occ. - Service]
(c) Chandrakant Laxman Argade]
Age – 33 years, Occ - Service]
All R/o. 128/5, Kesarkar Pet, Satara.]
3. Pralhad Eknath Nimbalkar]
(Since Deceased) through his Legal Heirs]
(a) Smt. Kamal Pralhad Nimbalkar (Wife)]
(Since Deceased) Through her Heirs]
(b) Vinod Pralhad Nimbalkar,]
Age – 43 years, Occ. - Service]
(c) Vijay Pralhad Nimbalkar,]
Age – 41 years, Occ. - Service]
4. Suryakant Kashinath Dhole]
(Since Deceased) through his Legal Heirs]
(a) Smt. Shivganga Suryakant Dhole]
Age – 73 years, Occ. - Housewife,]
(b) Suhas Suryakant Dhole]
Age – 53 years, Occ. - Service]
(c) Sachin Suryakant Dhole]
Age – 45 years, Occ. - Service]
All R/o. A/P Visapur, Tal. Khatav,]
Dist. Satara.]

Versus

1. Satara District Agricultural Rural &]
Multipurpose Development Co-Operative]
Bank Ltd., Satara,]
Through The Liquidator,]
Narveer Tanaji Marg, Daulat Nagar, Satara.]

2. Administrator & Zilha Up-Nibandhak (D.D.R.)]
 Dist. Satara & Satara District Agricultural Rural]
 & Multipurpose Development Co-Operative]
 Bank Ltd., Satara,]
 Narveer Tanaji Marg, Daulat Nagar, Satara.] ... Respondents

WITH
WRIT PETITION NO.8973 OF 2022

1. Rameshchandra Yashwant Yadav]
 Age – 62 years, Occ. - Nil,]
 R/o. A/P Laxminagar, Phaltan,]
 Tal. Phaltan, Dist. Satara.]
2. Laxman Vithoba More]
 (Since Deceased) Through his Legal Heir]
 Shri Vishwas Laxman More]
 Age – 41 years,]
 R/o. Ambedare, Tal. & Dist. Satara.]
3. Ankush Govind Shinde]
 Age – Major, Occ. - Nil,]
 R/o. Bhuvikas Bank Colony, Daulatnagar,]
 Satara.]
4. Ramchandra Hari Salunkhe]
 Age – Major, Occ. - Nil,]
 R/o. Mahind, Tal. Patan, Dist. Satara.]
5. Suresh Bhagwan Bhoite]
 Age – Major, Occ. - Nil,]
 R/o.A/P Wagholi, Tal.Koregaon, Dist.Satara.]
6. Laxman Pandurang Sable]
 Age – Major, Occ. - Nil,]
 R/o. Bhuvikas Bank Colony, Daulatnagar,]
 Satara.]
7. Rajaram Sadhu Bhilare]
 Age – Major, Occ. - Nil,]
 R/o. A/P Bhilar, Tal. Mahabaleshwar,]
 Dist. Satara.]

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|--|---|-----------------|
| 8. Shankar Ramchandra Ranjane |] | |
| Age – Major, Occ. - Nil, |] | |
| R/o. A/P Dapawadi, Tal. Wai, Dist. Satara. |] | |
| 9. Eknath Anandrao Shivthare |] | |
| (Since Deceased) Through his Legal Heir |] | |
| Sumitra Eknath Shivthare |] | |
| Age – 65 years, Occ. - Housewife, |] | |
| A/P Kalambe, Tal. Wai, Dist. Satara. |] | |
| 10. Ramesh Vasant Rao Bhande |] | |
| Age – Major, Occ. - Nil, |] | |
| R/o. Sangamnagar, Satara. |] | |
| 11. Bhujang Gulabrao Babar |] | |
| Age – Major, Occ. - Nil, |] | |
| R/o. A/P Sablewadi, Tal. & Satara. |] | |
| 12. Dnyanadeo Baburao Gurav |] | |
| (Since Deceased) Through his Legal Heir |] | |
| Shri Rajendra Dnyanadeo Gurav |] | |
| Age – 50 years, Occ. – Service, |] | |
| A/P Chore, Tal. Karad, Dist. Satara. |] | ... Petitioners |

Versus

- | | | |
|--|---|-----------------|
| 1. Satara District Agricultural Rural & |] | |
| Multipurpose Development Co-Operative |] | |
| Bank Ltd., Satara, |] | |
| Through The Liquidator, |] | |
| Narveer Tanaji Marg, Daulat Nagar, Satara. |] | |
| 2. Administrator & Zilha Up-Nibandhak (D.D.R.) |] | |
| Dist. Satara & Satara District Agricultural Rural] |] | |
| & Multipurpose Development Co-Operative |] | |
| Bank Ltd., Satara, |] | |
| Narveer Tanaji Marg, Daulat Nagar, Satara. |] | ... Respondents |

WITH

WRIT PETITION NO.8974 OF 2022

- | | |
|---|---|
| 1. Vishnu Tatyaba Kadam |] |
| Age – 71 years, Occ. - Nil, |] |
| R/o. Bhuvikas Bank Colony, Daulatnagar, |] |
| Satara. |] |

2. Sopan Tukaram Kumbhar]
Age – Major, Occ. - Nil,]
R/o. Backside of Shivraj Petrol Pump,]
Highway, Satara.
3. Ashok Gopinath Pawar]
Age – Major, Occ. - Nil,]
R/o. Kasaba Peth, Pawar Galli, Satara.]
4. Narayan Baraku Moynak]
(Since Deceased) Through his Legal Heir]
Smt. Laxmi Narayan Moynak (Wife)]
Age – Major, Occ. - Nil,]
R/o. Kesarkar Colony, Darekhurd, Satara.]
5. Narayan Vithoba Kale]
Age – Major, Occ. - Nil,]
R/o. A/P Saratale, Tal. Javli Dist. Satara.]
6. Namdeo Ganapati Doiphode]
Age – Major, Occ. - Nil,]
R/o. Dahiwadi, Tal. Man, Dist. Satara.]
7. Vishwas Jijajirao Nimbalkar]
Age – Major, Occ. - Nil,]
R/o. A/P Bombale, Tal. Khatav, Dist. Satara.]
8. Anandrao Bajirao Mohite]
Age – Major, Occ. - Nil,]
A/P Sarjapur, Tal. Jaoli, Dist. Satara.]
9. Sambhaji Namdeo Vasav]
(Since Deceased) Through his Legal Heir]
Smt. Shobha Sambhaji Vasav]
Age – 63 years, Occ. - Nil,]
R/o. A/P Pusegaon,, Tal. Khatav,]
Dist. Satara.]
10. Pandurang Govind Gole]
Age – Major, Occ. - Nil,]
R/o. A/P Jamb, Tal. Wai, Dist. Satara.]
11. Jagdeo Nathaji Sabale]
Age – Major, Occ. - Nil,]
A/P Borkhal, Tal. & Dist. Satara.]

12. Ashalata Rangnath Jagtap]
 (Since Deceased) Through her Legal Heir]
 Sou. Ujwala Kishor Tandale (Daughter)]
 Age – 45 years, Occ. - Nil,]
 R/o. Godoli, Tal. & Dist. Satara.] ... Petitioners

Versus

1. Satara District Agricultural Rural &]
 Multipurpose Development Co-Operative]
 Bank Ltd., Satara,]
 Through The Liquidator,]
 Narveer Tanaji Marg, Daulat Nagar, Satara.]

2. Administrator & Zilha Up-Nibandhak (D.D.R.)]
 Dist. Satara & Satara District Agricultural Rural]
 & Multipurpose Development Co-Operative]
 Bank Ltd., Satara,]
 Narveer Tanaji Marg, Daulat Nagar, Satara.] ... Respondents

Mr. Shailesh S. Pathak for Petitioners in all Writ Petitions.

Mr. Vaibhav R. Gaikwad for Respondents in all Writ Petitions.

CORAM :- SANDEEP V. MARNE, J.

RESERVED ON :- 07 OCTOBER, 2023

PRONOUNCED ON :- 16 OCTOBER, 2023

JUDGMENT

1. ***Rule.*** Rule made returnable forthwith and with the consent of the learned counsels appearing for parties, petitions are called out for hearing.

2. The issue involved in these Petitions is about entitlement of Petitioners to interest on amounts payable under Settlement dated 27/10/1996. The interest is claimed from the date of orders passed by the Industrial Court, Satara on 25/03/2009 till the amounts are actually paid to the Petitioners sometime in the year 2019.

3. The issue arises in the light of challenge set up by the Petitioners to the Judgments and Orders passed by the Industrial Court, Satara, in various Review Applications filed by them seeking review of the order passed by the Industrial Court, Satara, on 04/04/2012 directing issuance of Recovery Certificate without interest.

4. Facts of the case are in a narrow compass. Petitioners were in employment of Respondent – Bank. The Bank entered into a settlement with the recognized trade union under Section 2(p) of the Industrial Disputes Act, 1947 on 27/10/1996, under which the Bank agreed to pay wage raise in the dearness allowance and additional dearness allowance. Despite entering into the settlement, the Respondent – Bank failed to pay benefits arising out of the settlement to the Petitioners, on account of which Satara Zilla Sahakari Krishi Gramin Bahudeshiya Vikas Bank Karmachari Sangatana (**Union**) filed Complaint (ULP) No.8/2005 for a direction to the Respondent – Bank for payment of difference of wages arising out of settlement dated 27/10/1996 along with interest @ 12% p.a. When the complaint came up for hearing before the Industrial Court, Satara, the Union gave up claim for interest, though it was claimed in the complaint. Industrial Court proceeded to allow the Complaint by its Judgment and Order dated 23/03/2009 directing the Respondent – Bank to pay all the benefits of settlement dated 27/10/1996 to all its employees. The Respondent - Bank challenged the Industrial Court's decision before this Court by filing Writ Petition No.8776 of 2009, which came to be disposed of by order dated 22/02/2010 clarifying that if the order passed by the Supreme Court on 25/03/2009 affected Industrial Court's decision, it was open for the Respondent – Bank to approach the Industrial Court for modification of the order. It appears that the

Respondent – Bank did not file any proceedings for modification of Industrial Court’s order. It also did not pay its employees amounts arising out of Industrial Court’s order dated 25/03/2009.

5. Petitioners therefore filed Recovery Applications before the Industrial Court claiming various amounts due under the settlement along with interest @ 18% p.a. Industrial Court directed issuance of Recovery Certificates vide order dated 04/04/2012 only in respect of principal amounts. Accordingly, Recovery Certificates were issued in favour of each of the Petitioners only in respect of principal amounts.

6. The Petitioners thereafter filed various Review Applications before the Industrial Court seeking correction of clerical and arithmetical mistakes in the Recovery Certificates and seeking restraint order from selling the properties till disposal of the Review Applications. They also claimed interest @ 18% p.a. on the principal amount. In the Review Applications, the Petitioners also prayed for interim relief. The Liquidator of the bank filed pursis undertaking to pay the dues of the Petitioners from the sale proceeds of Bank’s assets. It appears that the Bank wanted to liquidate some of its assets, *inter alia*, for payment of dues of its employees. Petitioners, therefore, filed pursis on 01/02/2019 before the Industrial Court stating that they had no objection for proposed sale of bank’s assets. They however reserved their liberty to claim interest from Liquidator. It appears that in August 2019, the Respondent – Bank paid to the Petitioners the principal amounts included in the respective Recovery Certificates. The Industrial Court thereafter proceeded to reject the Review Applications on the ground that the same were not maintainable under Section 44(6) of the Industrial Court Regulations of 1975. The Petitioners are aggrieved by the decisions of the Industrial Court and have

filed the present Petitions with regard to their grievance of non-payment of interest from the date of order of the Industrial Court dated 25/03/2009.

7. Mr. Pathak, the learned counsel appearing for the Petitioners would contend that though the Petitioners have given up their claims for interest up to the decision in Complaint (ULP) No.8/2005, the interest after decision of the Complaint on 25/03/2009 is payable. That, the said interest has never been given up by the Petitioners. He would submit that non-inclusion of amounts of interest in the Recovery Certificates fits within the ambit of the term 'clerical or arithmetical mistake arising from accidental slip or omission'. Alternatively, he would submit that the order dated 04/04/2012 passed by the Industrial Court in Recovery Applications is also under challenge in the present Petition. In support of his contentions, he relied upon the decision of this Court in the case of ***Dilip T. Khandar Vs. State of Maharashtra***¹.

8. *Per Contra*, Mr. Gaikwad, the learned counsel appearing for the Respondent – Bank, would oppose the Petition and support the orders passed by the Industrial Court rejecting the Review Applications. He would submit that there is no provision for seeking a review of Recovery Certificates. That, claim of interest would not fall within the ambit of Rule 44(6) of the Industrial Court Regulations, 1975. He would submit that the Petitioners specifically gave up their claim for interest before the Industrial Court and cannot now be permitted to take a volte face. That, the Petitioners gave no objection for sale of bank properties and showed willingness to accept only the principal amounts. He would submit that the bank has correctly paid the amounts covered by the Recovery Certificates and no further amount is due or payable to the Petitioners.

¹ 2006 1 CLR 425
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That, the order dated 04/04/2012 directing issuance of Recovery Certificates in respect of principal amounts has attained finality. Even if review was maintainable, the claim was after a period of 6 long years without any justification for delay. Mr. Gaikwad would alternatively submit that, if the Petitioners are aggrieved by the amounts specified in the Recovery Certificates, they can always file fresh proceedings instead of seeking review, which is not maintainable.

9. Rival contentions of the parties now fall for my consideration.

10. The issue involved before the Industrial Court and which again arises for my consideration is whether the Petitioners are entitled to interest on the principal amount arising out of difference of wages flowing from the settlement dated 27/10/1996 from the date of Industrial Court's order dated 25/03/2009. The benefits of settlement were actually payable in the year 1998 itself and the Petitioners were required to knock the doors of the Industrial Court on account of failure of the Respondent – Bank to honour its commitment arising out of the said settlement. The employees gracefully gave up their claim for interest from 1998 till decision of the Complaint on 25/03/2009. Thus, they gave up claim for interest for a period of over 11 long years, under a hope that the Bank would at least pay them the principal amount immediately after Industrial Court's order. The Bank unsuccessfully tested it before this Court and despite disposal of Writ Petitions on 22/02/2010, the Bank again failed to implement Tribunal's order. It drove Petitioners to the Industrial Court for another round of litigation for issuance of Recovery Certificates. The prayer made by the Petitioners in their Recovery Applications is as under:

“a) *The Hon'ble Court may be pleased to determine the amount payable to the applicants & direct to pay the same with 18% interest since the date when these*

fell due till the date of actual realisation certificate issue to concerned (Collector) authority for recovery amount, which is mentioned in annexure 'A' of the application.

- b) Any other relief deemed just & proper may also please be granted in favour of the applicant, in the interest of justice.*
- c) Cost of the proceedings may be imposed on opponent.*
- d) To add after, amend the application, as and when required."*

11. Thus, the Petitioners specifically prayed for payment of interest in the Recovery Applications. The principal amount payable to each of the Petitioners were apparently specified in a separate statement annexed at Annexure 'A' to their respective Applications. Though there was specific prayer for payment of interest on the principal amount, the Industrial Court issued directions on 04/04/2012 for payment of the amount which was reflected in Annexure 'A' by ignoring the prayer for grant of interest. There is no discussion in the order dated 04/04/2012 as to why the Petitioners cannot be paid interest on the principal amount. Therefore, it cannot be stated that denial of interest was a conscious decision taken by the Industrial Court while passing the order dated 04/04/2012. It is on this count that Mr. Pathak has submitted that failure to consider prayer for award of interest is an 'accidental slip / omission' on the part of the Industrial Court. I find considerable force in this submission canvassed by Mr. Pathak in view of the fact that there is no consideration on the part of the Industrial Court with regard to prayer for award of interest on the principal amount indicated in Annexure 'A' to each of the Recovery Applications.

12. For this 'accidental slip / omission' on the part of the Industrial Court, the Petitioners filed Review Applications after 6 long

years in the year 2018. Mr. Pathak fairly concedes to the position that there is no specific provision under the MRTU & PULP Act for review of its order.

13. Under Section 33 of The Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971, the Industrial Court can frame regulations consistent with the provisions of the Act to regulate its procedure. Accordingly, the Industrial Court Regulations, 1975 have been framed. Regulation 44 reads thus :

“44. (1) Ordinarily judgments, orders and decisions shall be delivered immediately after the arguments are heard and in every case within 15 days of the completion of the arguments.

(2) Every judgment, order and decisions shall be written only on foolscap paper leaving 1/4th margin blank.

(3) A judgment, order or decision shall be pronounced in open Court, if not dictated in open Court the date on which it is to be pronounced must be notified.

(4) Every judgment, order and decision shall be paragraphed and duly numbered.

(5) When a judgment or order or decision is typewritten every sheet shall bear the initials of the Presiding Member and his signature at the end alongwith his designation.

(6) After a judgment or order or decision is signed no addition or alteration shall be made thereto other than a clerical or arithmetical mistake arising from accidental slips or omissions.”

14. Thus, under Regulation 44(6), no addition or alteration in the judgment or order is permissible other than a clerical or arithmetical mistake arising from accidental slips or omissions. The issue, therefore, is whether the accidental slip / omission committed by the Industrial Court while passing orders dated 04/04/2012 for non-award of interest on the principal amount would fit into the ambit of expression ‘clerical or arithmetical mistake’. On a strict and literal interpretation of Regulation

44(6), it is difficult to hold that non-award of interest on the principal amount would fit into the ambit of the expression 'clerical or arithmetical mistake'. An arithmetical mistake would be one which would be in the nature of a calculation mistake. A clerical mistake on the other hand would be in the nature of typographical error in the judgment or order. For award of interest, the Industrial Court must apply its mind and take a decision as to whether the interest is admissible, and if yes, at what rate. The Petitioners claimed interest @ 18% p.a. on the principal amount indicated in Annexure 'A' to the Review Applications. It cannot be stated that award of interest @ 18% p.a. is automatic. Therefore, some application of mind on the part of the Industrial Court was required, at least while deciding the rate of interest which should be awarded. Therefore, it is difficult to hold that failure on the part of the Industrial Court to take into consideration prayer for award of interest would fit into the definition of the term 'arithmetical or clerical mistake', though it may fit into the ambit of the term 'accidental slip / omission'. In my view, therefore, the applications filed under Regulation 44(6) by the Petitioners before the Industrial Court were not maintainable.

15. Apart from setting up challenge to the orders passed by the Industrial Court rejecting the Review Applications, the Petitioners have also raised the following prayers in the present Petition :-

- "c) *That pending hearing and final disposal of this Writ Petition, this Hon'ble Court may be pleased to direct the Respondent to deposit the interest @ 18% on principal amount from the stoppage of giving benefits from Feb. 1998 upto effecting payment in Aug. 2019;*
- d) *Be hold and declare that, order dt. 04/04/2012 in Recovery Application (ULP) No.05/2011 is not finally decided."*

Though prayer clauses (c) and (d) are not happily worded, Mr. Pathak has urged that this Court may consider that the present Petitions are a direct challenge to the orders dated 04/04/2012. To this request, Mr. Gaikwad is quick enough to raise an objection of delay and laches. While Mr. Gaikwad may not be entirely wrong in raising the objection of delay and laches, it must also be considered that the Petitioners were agitating their rights before the Industrial Court by filing Review Applications since the year 2018. All the Petitioners are at advanced ages, having retired several years ago. Many of the Petitioners have died and therefore, legal representatives are fighting the litigation. The legitimate dues payable to the Petitioners in the year 1998 were actually paid to them 21 years later in August 2019. They have gracefully given up claim for payment of interest up to 25/03/2009. However, so far as interest after 25/03/2009 is concerned, the Petitioners have never made any statement to give up interest after that date. Even while granting their no objection to sale of bank assets, the Petitioners gave such no objection without prejudice to their right to claim interest. In one of the interim orders passed by the Industrial Court on 20/02/2019, statement made on behalf of the Applicants about reserving their right to claim interest is recorded.

16. In these circumstances, while holding that the Review Applications filed by the Petitioners were not maintainable under the provisions of Regulation 44(6), I am inclined to entertain Petitioners' challenge to the orders dated 04/04/2012 directing issuance of Recovery Certificates only in respect of principal amounts. Once the Industrial Court orders Respondent – Bank to pay amounts arising out of the settlement on 25/03/2009 to Petitioners, any delay on the part of the Respondent – Bank to honour Industrial Court's order must entail payment of interest. The objection of delay and laches in entertaining

Petition challenging the order dated 04/04/2012 will have to be repelled both on the ground of Petitioners agitating their claims before the Industrial Court as well as absence of prejudice caused to the Respondent – Bank which illegally retained the amounts which were payable to the Petitioners. Equities can be balanced by awarding lower rate of interest of 6% p.a.

17. After considering the overall conspectus of the case, I am of the view that ends of justice would meet if the Respondent – Bank is directed to pay interest @ 6% p.a. on the principal amount covered by the Recovery Certificates with effect from 25/03/2009 till the date of actual payment.

18. Writ Petitions are accordingly disposed of with a direction to the Respondent – Bank to pay to the Petitioners interest @ 6% p.a. on the amounts covered by their respective Recovery Certificates with effect from 25/03/2009 till the date of payment. The amount of interest be paid within a period of 4 months from today.

19. With the above directions, Writ Petitions are disposed of. There shall be no order as to costs. Rule is made partly absolute in above terms.

(SANDEEP V. MARNE, J.)