

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

WRIT PETITION NO.13573 OF 2018

M/s. Jeejaee Estate and Others ...Petitioners

vs.

The State of Maharashtra and Others ...Respondents

Ms. Shruti Tulpule, for the Petitioners.

Mr. S.B. Patankar i/b. Mr. Sampatrao Pawar, for Respondent No. 3.

Ms. V.S. Nimbalkar, AGP for the State.

CORAM : N. J. JAMADAR, J.

DATE : APRIL 27, 2023

P.C.:

1. Heard the learned counsel for the parties.

2. The learned counsel for the petitioners submits that the petitioners and the custodian of the Maratha Market People's Co.Operative Bank Limited, respondent No. 3 have amicably resolved the dispute and the consent terms have been executed. The learned counsel seeks leave to tender the consent terms.

3. Mrs. Bharati Kakade, petitioner No. 2, Mrs. Prathibha Ganjave, petitioner No. 3 and Mr. B.N. Gaikwad, the Custodian for Respondent No. 3 are present before the Court and they admit the contents of the consent terms and execution thereof. They are identified by their respective advocates.

4. Mr. Shirish Mansukh, the son of late Dnyanesh Mansukh, is also present. He submits that he has affirmed an affidavit, which is annexed to the consent terms, thereby giving consent to appropriate the amounts payable to late Dyanesh Mansukh towards the full and final settlement of the dues, liabilities and debts payable by M/s. Artieye Freight Movers, M/s. RTI Trucks and M/s. Jeejaee Estate.

5. It seems that the parties have voluntarily executed the consent terms and there is no coercion or duress and they have worked out a comprehensive settlement of all the disputes.

6. Hence, the consent terms are taken on record and marked X.

7. Paragraph Nos. 3 to 8 of the consent terms read as under:-

3] Accordingly, the Petitioners have handed over the following two Demand Drafts totalling to Rs. 51,07,737.91 to the Respondent No. 3 by way of full and final settlement of dues, liabilities and debts payable by M/s. Artieye Freight Movers, M/s. RTI Trucks and M/s. Jeejaee Estate, the receipt of which is acknowledged by the Respondent No. 3:-

a) D. D. of Rs. 25,00,000/- dated 25/04/2023 bearing No. 741330 drawn on Bank of Maharashtra.

b) D. D. of Rs. 26,07,738/- dated 25/04/2023 bearing No. 741329 drawn on Bank of Maharashtra.

Hereto annexed and marked as Annexure "B" is a copy of the said Demand Drafts.

4] The Petitioners have further agreed that Rs. 19,70,907.59 payable to Late Shri. Dnyanesh Mansukh, being the sum of Rs. 12,11,462.60 (towards PPF / EPF), Rs. 77,239.50 (towards Gratuity) and Rs. 6,82,205.49 (towards Fixed Deposits), shall be appropriated by Respondent No. 3 by way of full and final settlement of dues, liabilities and debts payable by M/s. Artieye Freight Movers, M/s. RTI Trucks and M/s. Jeejaee Estate. The sons of Late Shri. Dnyanesh Mansukh viz. Mr. Shirish D. Mansukh and Mr. Ashok D. Mansukh have consented to the same. Their Consent Affidavits are annexed hereto and marked as Annexure "C".

5. The Custodian of Maratha Market Peoples Co-operative Bank (Respondent No. 3 in the said Writ Petition), being the officer in succession of the Liquidator of Maratha Market Peoples Co-operative Bank, hereby withdraws the Show Cause Notice dated 19.4.2010 issued to M/s. Jeejaee Estate, Mrs. Bharati Prabhakar Kakade and Mrs. Pratibha Shivajirao Ganjve under Section 105(1) of the Maharashtra Co-operative Societies Act, 1960; and also hereby states that the Order Ref No. 41/2010-11 dated 15.6.2010 is satisfied in view of these Consent Terms.

6. In the light of the aforesaid one time settlement, the Custodian of Maratha Market Peoples Co-operative Bank (Respondent No. 3 in the said Writ Petition) agrees and undertakes that there are no further amounts payable by M/s. Artieye Freight Movers, M/s. RTI Trucks, M/s. Jeejaee Estate, Mrs. Bharati Prabhakar Kakade, Mrs. Pratibha Shivajirao Ganjve to Maratha Market Peoples Co-operative Bank.

7. The undertakings of Respondent No. 3 in Paragraph Nos. 5 and 6 shall be treated as undertakings to the Hon'ble Bombay High Court.

8. Thus, the impugned Order dated 11.09.2018 [Ex. A]

passed by the Minister for Co-operation, confirming the Order dated 31.08.2012 [Ex. X] passed by the Divisional Joint Registrar dismissing Appeal No. 167/2010 be set aside by this Hon'ble Court, and the Writ Petition be disposed off in accordance with these Consent Terms.

8. The petition thus stands disposed in accordance with the consent terms.

9. Undertakings given in the consent terms are accepted as the undertakings to the Court.

(N. J. JAMADAR, J.)