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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3279 OF 2019**

Palus Sahakari Bank Ltd. ... Petitioner

Palus, through Assistant Manager

Vs.

Firoj Jangluddin Pathan and Others ... Respondents

WITH

WRIT PETITION NO. 5896 OF 2019

WITH

WRIT PETITION NO. 5919 OF 2019

Palus Sahakari Bank Ltd. ... Petitioner

Palus, through Assistant Manager

Vs.

Shri Ibrahim Bandu Pathan and Others ... Respondents

WITH

WRIT PETITION NO. 5734 OF 2019

Palus Sahakari Bank Ltd. ... Petitioner

Palus, through Assistant Manager

Vs.

Ramjan Hanif Mujawar and Others ... Respondents

**WITH
WRIT PETITION NO. 5731 OF 2019**

Palus Sahakari Bank Ltd.	...	Petitioner
Palus, through Assistant Manager		
Vs.		
Ayyaj Mansur Mujawar and Others	...	Respondents

Mr. Rajure Vishwanath Bapuappa for the Petitioner in WP/3279/2019, WP/5896/2019, WP/5919/2019, WP/5734/2019 and WP/5731/2019.

Ms. M. P. Thakur, AGP for the State.

CORAM : GAURI GODSE, J.

DATE : 12th FEBRUARY 2024

P.C.

1. Learned counsel for the petitioners submits that these petitions arise out of dismissal of the appeals filed by the petitioner-bank challenging the judgment and award passed by the Co-operative Appellate Court, Mumbai dismissing the appeals preferred by the petitioner-bank. He submits that the bank had preferred appeals taking exception to the judgment and award passed by the Co-operative Court in the disputes filed by the bank against the borrowers and the firm with whom the goods which were subject matter of the contract were pledged.

2. He submits that the impugned orders passed by the Co-operative Appellate Court confirms the judgment and award passed by the Co-operative Court. Thus, the principal borrowers in all the disputes were exonerated.

3. He submits that in similar writ petition challenging the similar order, this court has dismissed the Writ Petition by judgment and order dated 14th October 2022 passed in Writ Petition No. 4614 of 2019. He submits that in all the aforesaid petitions the petitioner-bank has raised similar grounds of challenge which is already dealt with in the said judgment and order passed in the aforesaid connected writ petition. He therefore, submits that in view of the judgment and order passed in the connected writ petition and for the reasons recorded in the said judgment same reasons would apply in the present petitions.

4. I have perused the papers of the aforesaid writ petitions. The challenge of the petitioner-bank in all these writ petitions are on the same grounds as were raised in connected Writ Petition No. 4614 of 2019.

5. These writ petitions are filed by the petitioner-bank for recovery of loan amount against the principal borrowers and respondent firm alongwith its partners, with whom goods which were subject matter of the contract are pledged. By the Awards the petitioner-bank was granted a decree for recovery of the loan amount from respondent no. 2 firm and the borrowers are held not liable for repayment of the loan, as the perishable goods that were pledged, were with respondent no. 2, under an agreement executed between the bank and respondent no. 2. The contentions of the parties are the same in all the matters. Though the disputes as well as the appeals are disposed of by passing separate orders, the reasons recorded by the Co-operative Appellate Court as well as the Co-operative Court are the same.

6. Hence, the reasons recorded in the connected Writ Petition No. 4614 of 2019 are also applicable to the present Writ Petitions.

7. Thus, the view taken by this court in Writ Petition No. 4614 of 2019 squarely applies to the facts and submissions in the aforesaid petitions.

8. Hence, in view of the judgment and order dated 14th October 2022 in Writ Petition No. 4614 of 2019, I do not see any reason to take a different view and exercise the powers under Article 227 of the Constitution of India. Hence, all the aforesaid Writ Petitions are dismissed.

9. The petitioner-bank is however, at liberty to proceed with the recovery of loan from respondent nos. 2 to 6 as permissible in law.

[GAURI GODSE, J.]