



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.974 OF 2021**

Amjad Ameer Khan Lodhi & Ors.

..Petitioners

Vs.

Pen Co-Operative Urban Bank Ltd. & Ors.

..Respondents

Mr. Vivek Pandey for the Petitioners.

Ms. Kirit Hakani a/w. Ms. Niyati Mankad for Respondent No.1 & 2.

Ms. S. D. Vyas, Addl. G. P a/w. Mrs.T. N. Bhatia, AGP for the Respondent Nos.3 and 4-State.

Ms. Jaya Sharma i/by. Mr. Shyam Krishna Tripathi for Respondent No.5.

**CORAM : A. S. CHANDURKAR &
JITENDRA JAIN, JJ.**

DATE : 7th MAY 2024.

P.C.:

1. In this Writ Petition challenge has been raised to the certificate for transfer of property under Section 100 of the of the Maharashtra Co-Operative Societies Act, 1960. While admitting the Writ Petition on 22nd November 2022 an interim order was passed restraining the Respondents from executing the said certificate.

2. Today the learned counsel for the parties have tendered consent terms that have been duly signed by all the Petitioners as well as all the Respondents. The Writ Petition was heard in the first half when all the parties were present and they were identified by their respective counsel. The parties submitted that they have no objection if the Writ Petition is disposed of in accordance with consent terms.

3. We have perused the consent terms. There is a reference to the order dated 30th November 2017 passed in Writ Petition No.11228 of 2017 (*Fibrocast Through Its Partners Laxmi Anawadia & Ors. vs. The Pen Co-operative Urban Bank Ltd. Through its Administrative Board*). By that order, communication dated 22nd February 2017 issued by the Chief Executive Officer of the Respondent No.1 was set aside. This order is the subject matter of challenge before the Supreme Court in SLP No.36390-36391 of 2017. The order dated 25th January 2024 indicates that the parties had submitted that they were in the process of settling the dispute. This aspect has been noted in the order dated 25th January 2024.

4. Considering the aforesaid facts, the Writ Petition is disposed of in accordance with the consent terms. The parties shall act in accordance with what is stated therein. The withdrawal of the amount as indicated in paragraph 8 of the consent terms shall also be acted upon. The consent terms are taken on record and marked as 'A' for identification.

5. Rule is disposed of in aforesaid terms with no order as to costs.

[JITENDRA JAIN, J.]

[A. S. CHANDURKAR, J.]