

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

WRIT PETITION NO.8585 OF 2024

Bhausahab (Bhausa) Krushnarao Nikam	.. Petitioner
Vs.	
The Rare Asset Reconstruction Ltd & Ors.	.. Respondents

...

Mr. Abhijeet F. Khade a/w Mr. Satyajee Dighe, Advocates for the
Petitioner.
None for the respondents.

...

**CORAM : A.S. CHANDURKAR &
RAJESH S. PATIL, JJ**

DATE : 25th JUNE 2024.

PC. :

1. The challenge raised in this writ petition is to the assignment of the loan amount of the petitioner by the Respondent No.2-Society in favour of the Respondent No.1. According to the learned counsel for the petitioner- the Creditor-Respondent No.2 had already approached the Co-operative Court by initiating proceedings for recovery of its dues. During pendency of the said proceedings, it was not permissible for the Society to assign the petitioner's debt to the Respondent No.1.

2. We do not find any legal bar that prevents the Society from assigning its dues in favour of the Respondent No.1. By clarifying that the

petitioner free to contest the recovery proceedings on all permissible grounds, we do not find any reason to interfere in the writ petition.

3. The writ petition is therefore dismissed.

[RAJESH S. PATIL, J]

[A.S. CHANDURKAR, J.]