

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

**VASANT
ANANDRAO
IDHOL**

WRIT PETITION NO. 9273 OF 2024

Arvind Shrirang Chavan And Anr. ...Petitioners

Versus

Mandal Adhikari Karanje And Ors. ...Respondents

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Date: 2024.07.03
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Mr.Ajit S. Karwande for the Petitioners.

Smt.Shenal S.Jadhav, A.G.P for the Respondent Nos.1 and 2–
State.

CORAM : AVINASH G. GHAROTE, J.

DATE : 3rd JULY 2024

P.C.:

1. Heard learned counsel for the petitioners. The petition questions the order dated 21.5.2024 putting the subject property to auction for the recovery of dues worth Rs.76.00 lakhs and odd for which RRC has already been granted. Though reliance is placed upon Rule 107(d) of Maharashtra Co-operative Societies Rules, 1961, it is material to note, that the present petitioner No.1 who is the guarantor, has joined hands with petitioner No.2, who is the principal borrower to thwart the execution of the RRC. In that light of the matter, I ought not to issue notice, However, since the legal

proposition is being raised, issue notice for final disposal, returnable on 29.7.2024 Learned AGP waives notice for respondent Nos.1 and 2.

2. The petitioner shall serve the respondent No.3 by all modes permissible in law before the returnable date. By way of *ad-interim* order, the further proceedings for sale of the property of petitioner No.1 / guarantor shall stand stayed only if the amount of the RRC is first deposited, by 8.7.2024. In case it is not deposited, the interim order shall stand vacated without reference to the Court.

(AVINASH G. GHAROTE, J.)