

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.1707 OF 2024

Ramesh Dayabhai Patel & Anr.

....Petitioners

V/S

Office of the Recovery Officer & Ors.

....Respondents

Mr. Vishal Puttabiraman with Mr. Surendra R. Yadav *for the Petitioners.*
Mr. Anshul Anjarlekar *for Respondent No.2.*

CORAM: SANDEEP V. MARNE, J.

DATE : 03 MAY 2024.

P.C.:

1 Heard Mr. Puttabiraman, the learned counsel appearing for the Petitioners.

2 Prima facie the impugned attachment order dated 8 August 2023 issued by the Recovery Officer is in the teeth of provisions of Rule 37 of the Multi-State Co-operative Societies Rules, 2002 which mandates that before issuance of an attachment order, a demand notice must be served. It appears that no demand notice was served on the Petitioners before issuance of the impugned attachment order. The learned counsel appearing for the Respondent No.2-Bank seeks time to take instructions.

3 Mr. Puttabiraman submits that the Petitioners are willing to explore the possibility of amicable settlement with the Respondent No.2-Bank.

Mr. Anjarlekar would submit that the Bank is willing to explore such possibility. List the Petition for further consideration on 12 June 2024.

4 Till the next date of hearing the impugned attachment order shall stand stayed subject to the condition that Petitioners shall not create any further third party rights in respect of the flat in question apart from the one which are already made.

(SANDEEP V. MARNE, J.)