



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Civil Application (CAW) No. 277 of 2024

in

Writ Petition (WP) No. 2284 of 2014

Mr. Gajanan Marotrao Tiple

Versus

**Assistant Registrar Co-operative Society, Karanja, Tah. Karanja, Dist.
Wardha and others**

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms. Lata G. Tiple, Advocate and Ms. Priyanka Arbat
(Awathale), Advocate for the petitioner.

Ms. Aarti Singh Advocate h/f Shri P.D.Meghe, Advocate
for the respondent no.2.

Shri N.S.Rao, AGP for the respondent/State.

Ms. Prajakta Lakhani, Advocate h/f Shri M.P.Kariya,
Advocate for the respondent no.2.

CORAM : ANIL S. KILOR, J.

DATED : 8th FEBRUARY, 2024.

The present application is filed to make the
State Bank of India as a party respondent no.7.

2. It is the case of the applicant/petitioner that
this Court vide order dated 20th January, 2016 directed
the respondent no.5 not to create any third party
interest and shall not obtain loan by mortgaging the
property without seeking prior permission of this Court,
during the pendency of this petition. It is submitted

that, despite this, respondent no.5 obtained the loan from the State Bank of India. It is submitted that during the pendency of this petition, the respondent no.5 died and his legal heirs are brought on record. It is stated that, if the legal heirs of the respondent no.5 commit default in repayment of the loan, the State Bank of India may auction the property in dispute and in that case it would frustrate the purpose of filing of this writ petition.

3. At this stage, the prayer for addition of State Bank of India as a party respondent No.7 cannot be accepted on the basis of mere apprehension.

4. In that view of the matter, the application is dismissed.

[ANIL S. KILOR, J.]