



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

67 WRIT PETITION NO. 11967 OF 2019

SHAIKH BABAN SHAIKH HIRAJI

VERSUS

THE ADMINISTRATOR / CHAIRMAN JAI AMBIKA
SAHAKARI SAKHAR KARKHANA AND OTHERS

...

Advocate for the Petitioner : Mr. S. V. Kurundkar

AGP for Respondent No.3 : Mr. P. D. Patil

Advocate for Respondent No.4 : Mr. U. B. Bilolikar

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CORAM : KISHORE C. SANT, J.

Dated : February 07, 2025

PER COURT :-

1. After hearing the parties, it transpires that during the pendency of the petition, the execution proceedings out of which Darkhast bearing No. 40 of 2024 arises itself, came to be dismissed for default by order dated 13.06.2024.

2. The learned Advocate has advanced arguments to add the respondent i.e. Kuntukar Sugar and Agro Pvt. Ltd, who is added as a party to the execution proceedings. He also relies upon judgment in the case of *Maharashtra State Cooperative Bank Limited vs. Babulal Lade and others*

reported in 2020 2 Supreme Court Cases 310. At this stage, this Court feels that it is not the stage where this Court need to appreciate all the arguments of the parties. Suffice it to say to dispose of the petition by granting liberty to the petitioner to file fresh execution proceedings.

3. The petition stands disposed off with liberty to the petitioner to file fresh execution proceedings. All points are kept open. The executing court shall decide all the aspects in the execution proceedings.

(KISHORE C. SANT, J.)