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12-CA-7154-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

12 CIVIL APPLICATION NO. 7154 OF 2025
IN CA/2578/2025

Shyam Ganpat Bobde Since Deceased Thr Lrs Sandip Shyamrao Bobade
And Others

VERSUS

The State Of Maharashtra Through The Tahasildar And Another

WITH

CIVIL APPLICATION NO.10707 OF 2025

IN

CIVIL APPLICATION NO.2578 OF 2025

IN

WRIT PETITION NO. 1704 OF 2009

(Not on board)

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Mr. L. V. Sangit, Advocate for Applicant.

Mr. H. F. Pawar, Advocate for Applicant in CA/10707/2025.

Smt. Chaitali Chaudhari-Kutti, AGP for Respondent-State.

CORAM : KISHORE C. SANT, J.

DATE : 29th SEPTEMBER 2025.

PC :-

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1. Not on board. Taken on board.
2. Heard the learned Advocates for the parties.

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3. The applicant is one of the Society, who allegedly had given the loan to the present respondent Nos. 1 and 2 and applicant No.1 and 1-A in CA/7154/2025.

4. It is the case that the Suit is filed for recovery of the amount of loan against present Respondent Nos. 1 and 2. Now, Shyam Bobade (R1) is held to be entitled to the amount in different proceedings filed against Shri. Saibaba Sansthan Shirdi, wherein he is entitled to receive an amount of compensation in view of dis-entitlement of shop in the premises of Sai Baba Mandir. There is also already an order passed on 5th March 2025 allowing disbursement of the amount to Shyam Bobde. After the order came to be passed, unfortunately Shyam Bobade died on 28th March 2025, and therefore, the applicant Nos. 1A to 1F filed an application for withdrawal of the amount in the name of Shyam Bobade, being his legal representatives.

5. By way of present intervention application, the Society seeks relief of not to disburse the amount to the legal heirs of deceased Shyam

Bobade. It is stated that if that amount is disbursed, it would be difficult for the co-operative society to recover the amount from Sandip Bobade and others. This Court finds that the application is totally misconceived. No application can be filed in another proceeding for recovery. It is not in respect of recovery of the amount. The application deserves to be dismissed with heavy costs for being misconceived.

6. Looking to the facts that the applicant is the Society, this Court does not impose any costs. Application stands dismissed and disposed off accordingly.

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7. Heard the learned Advocates for the parties.

8. At the outset, the learned Advocate for the applicants seeks leave to amend prayer clause. Leave granted. Necessary amendments be carried out within a period of two weeks.

9. This application is filed for the following relief that this Court had

allowed the earlier application filed by Shyam Bobade for disbursement of the amount, bearing Civil Application No.2578 of 2025. In the said application, this Court allowed the deceased Shyam Bobade to withdraw the amount. However, on 28th March 2025, he died. The present applicant Nos. 1-A to 1-F have therefore approached this Court for withdrawal of the said amount.

10. The applicant No.2 Kacheshwar s/o. Kisan Jejurkar has prayed that in the earlier application i.e. CA/2578/2025, his name was wrongly typed as Kacharu s/o. Kisan Jejurkar, and therefore, the office has not allowed him to withdraw the amount though there is an order passed in the earlier application.

11. So far as applicant No.3-A-1 is concerned, it is her case that she is staying in USA and is not in a position to come to India only for withdrawal of the amount. Therefore, she has executed general power of attorney in favour of Saurabh Vikas Shinde. The office has not allowed the Saurabh Shinde to withdraw the amount and the application is made

for direction to the office to allow Saurabh Shinde to withdraw the amount of the share of Sayali Pratik Dengele.

12. As far as applicant Nos. 4-A-1 to 4-A-3 are concerned, they are the legal heirs of deceased Sunil Popat Jejurkar. After the application was allowed on 5th March 2025, Sunil Jejurkar died on 8th May 2025 and a prayer is therefore made to allow the applicant Nos. 4-A-1 to 4-A-3 to withdraw the amount. Considering above, application stands allowed.

13. The applicant Nos. 1-A to 1-F are permitted to withdraw the amount pursuant to order dated 5th March 2025 passed by this Court in CA/2578/2025 in WP/1704/2009.

14. The name of the applicant No.2 be corrected as Kacheshwar S/o. Kisan Jejurkar. The applicant Nos. 2-A to 2-D/1 are permitted to withdraw the amount pursuant to order dated 5th March 2025 passed in Civil Application No.2578/2025 to the extent of Kacheshwar S/o. Kisan Jejurkar.

15. The amount in the name of Sayali W/o. Pratik Dengele is allowed to

be withdrawn by her power of attorney holder namely, Saurabh Vikas Shinde.

16. The applicant No.4-A1 to 4-A3 are permitted to withdraw the amount in the name of Sunil S/o. Popat Jejurkar pursuant to order dated 5th March 2025 passed in Civil Application No.2578/2025.

17. With this, civil applications stand disposed off.

[KISHORE C. SANT, J.]