



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**921 CIVIL APPLICATION NO. 8319 OF 2025
WITH CIVIL APPLICATION NO. 13388 OF 2024
IN WP/9456/2023**

**DWARKADAS MANTRI NAGRI SAHKARI BANK LTD., THR ITS C.E.O
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Applicant : Mr. Nilkanth Pandurang Bangar
AGP for Respondents/State : Ms. Neha Kamble
Advocate for Original Petitioner in WP : Mr. Akshay Kulkarni h/f.
Amit Yadkikar

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**CORAM : MANISH PITALE &
Y.G. KHOBRAGADE, JJ.
DATE : 19th September, 2025**

PC. :-

1. By Civil Application No.13388/2024 the Applicant/Co-operative Bank (Original Respondent in the Writ Petition) is praying for permission to withdraw an amount of Rupees Ten Lakhs deposited by the Original Writ Petitioner during the pendency of the petition. The petition has already been disposed of. The Applicant/Bank is pursuing the matter for recovery of amount from the Original Petitioner who was proprietor of one Nayan Motors. It is the case of the Applicant/Bank that the Original Petitioner failed to repay amounts due to the Bank which led to proceedings, ultimately resulting in filing of the aforesaid Writ Petition.

2. On 28.02.2025, when the aforesaid application was taken up for consideration, it came to light that the Original Petitioner, shown as Respondent No.6 in the said application, had already expired. In that light, the Applicant/Bank was directed to take necessary steps.

3. In pursuance thereof, the Applicant/Bank has filed Civil Application No.8319/2025 praying for permission to bring on record legal representatives of Respondent No.6 in this application i.e. the Original Petitioner in the writ petition.

4. Mr. Akshay Kulkarni learned counsel has instructions to appear on behalf of the proposed legal heirs of the Original Writ Petitioner.

5. He makes a statement on instructions that the legal representatives of the Original Writ Petitioner do not have objection to Applicant/Bank being permitted to withdraw the said amount of Rupees Ten Lakhs lying in deposit in this Court. He submits that the said amount may be adjusted towards the settlement at which the legal representatives of the Original Petitioner may arrive with the Applicant/Bank. It is brought to the notice of this Court that settlement talks are underway.

6. The learned counsel for the Applicant/Bank submits that the said amount may be permitted to be withdrawn as there are huge amounts due from the Original Writ Petitioner.

7. In view of the aforesaid admitted position, we are inclined to allow both the applications. Accordingly, both applications are allowed. The legal representatives of the Original Petitioner (Respondent No.6) in Civil Application No.13388/2024 are allowed to be brought on record.

8. The Applicant/Bank is permitted to withdraw the amount of Rupees Ten Lakhs lying and deposited with this Court along with accrued interest, if any. The amount shall be disbursed in favour of the Applicant/Bank within two weeks from today.

9. The said amount shall be adjusted by the Applicant/Bank towards the amounts due from the Original Writ Petitioner.

[Y.G. KHOBRADE, J.]

[MANISH PITALE, J.]