

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1963 OF 2020

The Liquidator,
The Ichalkaranji Urban Co-operative
Bank Ltd. and Anr.

....*Petitioners*

: *Versus* :

The Divisional Joint Registrar
Kolhapur Division, Kolhapur & Ors.

....*Respondents*

Mr. Sudhir Prabhu, *for the Petitioner.*

Ms. Savita R. Crasto, *AGP for Respondent No.1.*

Mr. Yuvraj P. Narwankar, *for Respondent Nos.2 and 3.*

CORAM : SANDEEP V. MARNE, J.

Dated : 27 June 2025.

P.C. :

1) The petition challenges order dated 16 September 2019 passed by the Divisional Joint Registrar, Co-operative Societies, Kolhapur allowing Revision Application No.195/2019 filed by Respondent Nos.2 and 3 and setting aside the attachment order dated 3 May 2019. The only ground on which the attachment order dated 3 May 2019 is set aside by the Divisional Joint Registrar is allotment of share in the land in favour of Respondent Nos.2 and 3 through partition effected prior to issuance of Recovery Certificate.

2) I have heard Mr. Prabhu, the learned counsel appearing for the Petitioner-Bank and Mr. Narwankar, the learned counsel appearing for Respondent Nos.2 and 3.

3) During the course of hearing of the petition, it has transpired that Respondent Nos.2 and 3 have instituted a Civil Suit (Regular Civil Suit No. 254/2019) seeking a declaration that the suit property therein (*which is subjected to attachment at the instance of the Petitioner-Bank*) cannot be attached and sold. It appears that the suit has been dismissed on 11 June 2024. Thus, parallel enquiry was instituted before the Divisional Joint Registrar, as well as before the Civil Court raising the same issue. In that view of the matter, it would be necessary to bring the order dated 16 September 2019 passed by the Divisional Joint Registrar in tune with the decree that is passed by the Civil Court. Mr. Narwankar would submit that Respondent Nos.2 and 3 have filed Appeal against the order of the Civil Court which is pending. Thus, the issue of Bank's entitlement to attach and sell the suit property would ultimately be decided in the pending Appeal. It would be open for Respondent Nos.2 and 3 to apply before the Appellate Court seeking appropriate interim reliefs in respect of attachment and sale of the suit property.

4) Consequently, the order dated 16 September 2019 passed by the Divisional Joint Registrar is set aside. However, it is clarified that the entitlement of the Bank to attach and sell the property would be subject to the pending Appeal filed by the Respondent Nos.2 and 3 in which they shall be at liberty to file an application for grant of necessary interim protection. It is clarified that this Court has not gone into the merits of the contentions raised by the parties. All contentions of the parties on merits are expressly kept open. With the above directions, the petition is **partly allowed and disposed of.**

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[SANDEEP V. MARNE, J.]