

VRJ

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.11250 OF 2025

VAIBHAV
RAMESH
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Sindhudurg Zilla Madhyavarti Sahakari
Bank Limited, Sindhudurg, Through Its
Manager (Region & Recovery)
Vishwanath Narayan Dorlekar

... Petitioner

V/s.

Prathamesh Rajan Teli & Ors.

... Respondents

Mr. Rugwed R. Kinkar for the petitioner.

Louis S. Shah i/by Mr. Rushabh D. Phade for
respondent Nos.1 to 4.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : SEPTEMBER 29, 2025

P.C.:

1. Present writ petition takes exception to order dated 22nd August 2025 passed by President, Maharashtra State Co-operative Appellate Court, Mumbai in Appeal No. 13 of 2025.

2. When writ petition was taken up for hearing before this Court on 22nd September 2025, a statement was made on behalf of respondents – borrowers that they are ready to file an undertaking before this Court to the effect that sale proceeds of the property in dispute will be deposited with the Appellate Court, and they assured this Court that such undertaking will be filed within a

period of one week.

3. The respondents have accordingly filed an undertaking on 24th September 2025 stating that if the properties mentioned in undertaking are sold, they shall deposit the amount i.e. amount received by selling the property in Loan Account No.20501/301 maintained by petitioner – bank, without prejudice to their right to seek refund or claim refund of excess amount debited by petitioner – bank. The undertaking is accepted and taken on record. It is marked as 'X' for identification.

4. In light of the aforesaid undertaking, respondents have bound themselves to deposit sale proceeds with the bank.

5. In view of the aforesaid undertaking, prayer in writ petition needs no consideration. Hence, writ petition stands disposed of.

6. Impugned order stands modified in accordance with undertaking filed by respondents – borrowers.

7. Learned advocate appearing for petitioner – bank, on instructions, undertakes that bank will not create any impediment in sale of the properties mentioned in undertaking.

(S. G. CHAPALGAONKAR, J.)