

Amberkar

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

**WRIT PETITION NO. 16523 OF 2024**

The Maharashtra State Co.Op. Marketing  
Federation Ltd .. Petitioner

**Versus**

The State of Maharashtra & Anr. .. Respondents

.....

- Mr. Amit Dubey a/w Mr. Jitendra R. Gautam & Ms. Poonam Pal,  
Advocates for Petitioner
- Ms. Snehal Jadhav, AGP for Respondent No. 1 - State

.....

**CORAM : MILIND N. JADHAV, J.**

**DATE : AUGUST 11, 2025**

**P. C.:**

1. Heard Mr. Dubey, learned Advocate for Petitioner and Ms. Jadhav, learned AGP for Respondent No. 1 - State.

2. Present Writ Petition impugns the order dated 27.09.2023 passed by the Executing Court below Exh. 14 in Special Darkhast No. 69/2021. The Application below Exh. 14 is filed by one Sou. Indumati Parmanand Algond and Shri. Revansidh Sharnappa Karle (judgment debtor Nos. 1 and 2). Petitioner admittedly is a decree holder. There is no dispute about the same. He has filed execution proceedings against the judgment debtor. The judgment debtor is one Shiddhamrut Co-operative Milk Society / Siddhamrut Co-operative Milk Union Ltd, whatever may be its present nomenclature.

3. It appears that when the Special Darkhast No. 69/2021 was filed for execution of the Award passed by the Court against the judgment debtor Shiddhamrut Co-operative Milk Society / Siddhamrut Co-operative Milk Union Ltd, Petitioner has filed the same against judgment debtor No. 1 - Indumati Parmanand Algond and judgment debtor No. 2 - Shri. Revansidh Sharnappa Karle as judgment debtors. One of the reason as to why the Petitioner may have invoked such an action because records shows that Shiddhamrut Co-operative Milk Society has been wound up and is no more in existence. Therefore in order to proceed against the said Society, Petitioner - decree holder impleaded the Chairman and Secretary. Taking objection to such impleadment, Application below Exh. 14 was filed by the said persons stating that they were not a party to the original proceedings filed by the decree holder wherein the Award has been passed. The said individuals have also challenged the action on the part of Petitioners having served on them the notice issued by the Executing Court. Taking this into cognizance, the learned Executing Court has allowed the Application filed below Exh. 14 on the ground that Executing Court cannot go beyond the decree which has been passed. The decree which is passed is against Shiddhamrut Co-operative Milk Society / Siddhamrut Co-operative Milk Union Ltd and not against the two individuals, hence no fault can be found with the order dated

27.09.2023 and the same deserves to be upheld. However considering the facts in the present case as argued by Mr. Dubey, if the Petition is dismissed simplicitor, it will not be in the interest of justice of the Petitioner - decree holder before me. Execution Petition i.e. Special Darkhast No. 69/2021 filed by Petitioner is pending before the Executing Court as on today. Hence Petitioner is permitted to amend the cause-title of the said Execution Application i.e. Special Darkhast No. 69/2021 and implead the name of the judgment debtor namely Shiddhamrut Co-operative Milk Society / Siddhamrut Co-operative Milk Union Ltd along with the names of all officer bearers representing the Society through the said judgment debtor. That amendment is permitted to be carried out by this Court in the Special Darkhast No. 69/2021 before the Executing Court. Executing Court shall permit the Petitioner to carry out the said amendment. After the amendment is carried out, Special Darkhast No. 69/2021 shall be heard afresh and appropriate orders shall be passed in the Execution Application strictly in accordance with law.

**4.** With the above direction, Writ Petition is disposed.

**[ MILIND N. JADHAV, J. ]**

Amberkar

Digitally signed  
by RAVINDRA  
MOHAN  
AMBERKAR  
Date:  
2025.08.12  
15:14:49 +0530