

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

WRIT PETITION NO.5412 OF 2025

Sky High Resorts and Anr.	.. Petitioners
Vs.	
Shri Mahavir Urban Co-op. Bank Ltd., Solapur and Ors.	.. Respondents

Mr. Vaibhav R. Gaikwad, Advocate for the Petitioners.

Mr. S.H. Kankal, Assistant Government Pleader for Respondent Nos.3 and 4.

**CORAM : A.S. CHANDURKAR &
M.M. SATHAYE, JJ**

DATE : 25TH APRIL 2025.

PC. :

1. It is submitted by the learned counsel for the petitioners by referring to the documents on record that it is only the property bearing New Gat No.1275/2A, Plot No.24, admeasuring 150 sq.mtrs. that has been mortgaged with the respondent no.1-Bank. It is pointed out that in the application filed under Section 101 of the Maharashtra Co-operative Societies Act, 1960, the said property has been referred. However, other properties of the petitioners which are not mortgaged have been symbolically attached. The possession of the mortgaged property was already taken on 25th March 2025 and now steps are being taken to sell the other properties of the petitioners. It is urged that unless the mortgaged property is sold and the outstanding amounts are realized, other properties which are not mortgaged cannot be interfered with.

2. Issue notice to the respondents, returnable on 20th June 2025. The learned Assistant Government Pleader waives notice for respondent nos.3 and 4.

3. Till the returnable date, the position as prevailing today with regard to properties as described in the communication dated 3rd April 2025 issued by the Circle Officer to the respondent no.2 and the petitioners (page 102 of the writ petition) shall be maintained.

[M.M. SATHAYE, J.]

[A.S. CHANDURKAR, J.]