

AGK

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

WRIT PETITION NO.8883 OF 2025

Avinash Baburao Dighaskar ... Petitioner

V/s.

The Sahebrao Deshmukh Coop.
Bank Limited ... Respondents

WITH

WRIT PETITION NO.8964 OF 2025

Ganpat Tukaram Dighaskar,
since deceased through LRs ... Petitioner

V/s.

The Sahebrao Deshmukh Coop.
Bank Limited ... Respondents

WITH

WRIT PETITION NO.8963 OF 2025

Hitesh Tulshidas Thakker ... Petitioner

V/s.

The Sahebrao Deshmukh Coop.
Bank Limited ... Respondents

WITH

WRIT PETITION NO.8965 OF 2025

Mohan Dattu Dighaskar ... Petitioner

V/s.

The Sahebrao Deshmukh Coop.
Bank Limited ... Respondents

Mr. Shriram S. Kulkarni with Mr. Krunal Thakkar and
Mr. Nitin Sejpai for the petitioners in all WPs.

Mr. Vishal C. Ghosalkar for respondent No.1 in all WPs.

Mr. R.M. Shinde, AGP for respondent Nos.2 & 3-State
in WP/8883/2025.

Ms. Mamta Srivastava, AGP for respondent Nos.2 & 3-

ATUL
GANESH
KULKARNI
Digitally signed by
ATUL GANESH
KULKARNI
Date: 2025.11.17
17:52:26 +0530

State in WP/8964/2025.

Mrs. V.S. Nimbalkar, AGP for respondent Nos.2 & 3-
State in WP/8963/2025.

Mrs. P.J. Gavhane, AGP for respondent Nos.2 & 3-State
in WP/8965/2025.

CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 17, 2025

P.C.:

1. All these writ petitions can be disposed of by issuing a direction to the Civil Court to decide the interim relief application filed by the petitioners at Exhibit 5. The Civil Court shall do so within two weeks from the date of this order.

2. This direction is necessary because the petitioners base their claim on a development agreement executed by the developer in their favour. They state that an area of 49947.20 square feet in the constructed portion was agreed to be handed over to them. They further state that the developer, despite this agreement, executed a sale deed of the same area in favour of certain borrowers. The borrowers thereafter mortgaged the property. The petitioners contend that their right under the development agreement came into existence before execution of the sale deed in favour of the borrowers. They therefore claim protection of such right under the Maharashtra Cooperative Societies Act, 1960. This issue has not been examined by the Special Recovery Officer.

3. It is submitted that the petitioners were put in possession by the developer. There is an apprehension that their possession may be disturbed by the Bank by initiating action under Rule 107

D1(vi) of the Maharashtra Cooperative Societies Rules, 1960.

4. In these circumstances, it is proper and just that the Trial Court decide the interim relief application filed at Exhibit 5 within two weeks from today.

5. With this clarification, all writ petitions are disposed of.

6. It is clarified that this Court has not examined the merits of the writ petitions. All contentions of both sides are kept open for consideration in the interim relief application and in the suit.

(AMIT BORKAR, J.)