

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9538 OF 2025

Ambadas Maruti Sonawane & Anr.

... Petitioners

Versus

The State of Maharashtra & Ors.

... Respondents

.....

Ms. Ashwini Jadhav for the Petitioners.

Mr. A. A. Alaspurkar, AGP for Respondent Nos.1, 3 to 6.

Mr. Navnath V. Tambde for Respondent No.2.

CORAM : **M. S. KARNIK AND**
N. R. BORKAR, JJ.

DATED : **11th JULY, 2025.**

P.C. :

1. Heard learned counsel for the petitioners.
2. The petitioners have prayed that they be put back in possession of residential flat of which possession is taken by respondent No.2 towards recovery of outstanding dues. Learned counsel for the petitioners submitted that almost 85% of the outstanding amount has been deposited with the bank. However, according to learned counsel for respondent No.2-Credit Society an amount of approximately 60% of the outstanding has been deposited. In any case, proceedings are pending before the Divisional Joint Registrar, Kokan Division under Section 154 of the Maharashtra Co-operative Societies Act. Our attention is invited to the order dated 20.06.2025 by which the recovery certificate issued under Section 101 dated 31.12.2015 has been stayed. The stay is obviously

granted subject to deposit of 50% of the outstanding dues.

3. In this view of the matter, the petitioners need to be put back in the possession. Respondent No.2-Credit Society to hand over the possession of the residential flat to the petitioners forthwith. The petitioners shall not create any third party right and deal with the subject flat and shall not hand over the possession to anybody else.

4. Learned counsel for the petitioners submits that the petitioners are willing to settle the matter with the Credit Society and immediately approach the Credit Society to close the loan account.

5. So far as the other proceedings are concerned, the same shall proceed on its own merits and in accordance with law.

6. The petition is disposed of in the aforesaid terms.

(N. R. BORKAR, J.)

(M. S. KARNIK, J.)