

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

**INTERIM APPLICATION NO. 1172 OF 2025
WITH
CIVIL APPLICATION NO. 535 OF 2012
IN
WRIT PETITION NO. 8997 OF 2003
WITH
INTERIM APPLICATION NO. 392 OF 2020
IN
WRIT PETITION NO. 8997 OF 2003**

Kolhapur District Central Co Op. Bank Ltd

... Applicant

Versus

Jaganath Vinayak Dhopeswarkar & Anr.

... Respondent

.....

Mr. Tejpal S. Ingale a/w. Mr. Abhishek T. Ingale for the Applicant.

Mr. B. V. Samant, Addl. GP a/w. Mr. M. M. Pabale, AGP for Respondent No.1.

Mr. Tejesh Dande i/b Tejesh Dande & Associates for Respondent No.6.

Mr. Anant Naik, General Manager of Bhudargad Nagari Sahakari Pat Sanstha Ltd.

Mr. Anil B. Prabhu, Applicant-in-Person in CAWST 1985/2019 in WP 8997/2003.

**CORAM : ALOK ARADHE, C.J. AND
M. S. KARNIK, J.**

DATED : 28th APRIL, 2025.

P.C. :

1. This Interim Application has been filed on behalf of the Kolhapur District Central Co-operative Bank Ltd. seeking direction to Liquidation Committee to pay a sum of Rs. 4,43,86,444.38/- to it on the ground that it is a secured creditor. However, learned counsel for the Liquidation Committee submitted that he had obtained instructions from the Liquidation Committee and states that Liquidation Committee has no objection to Kolhapur District Central Co-operative Bank Ltd.

alienating the assets secured with it and can be permitted to alienate the secured assets. It is further submitted that any excess amount be deposited in the account of the Liquidation Committee. However, it is pointed out that the Liquidation Committee has ceased to exist with effect from 31.03.2025.

2. In view of the aforesaid submission and taking into account the fact that the Kolhapur District Central Co-operative Bank Ltd has authority to alienate the assets which has been mortgaged in its favour, we are inclined to permit the said bank to alienate the assets mortgaged with it and to realise its dues.

3. Needless to state that any excess amount which may be recovered by the bank shall be deposited in the account of the Liquidation Committee. Needless to state that any action taken by the bank for realisation of its dues shall be subject of the outcome of the writ petition.

4. Accordingly Interim Application No. 1172 of 2025 is disposed of.

5. Needless to state that since the period of Liquidation Committee is over, the State Government is granted liberty to proceed with the matter in accordance with law for constitution of registration of the society.

6. At this stage, party-in-person submits that he has filed Civil Application (Stamp) No. 1985 of 2019.

7. Let the aforesaid Civil Application be listed for consideration on **10.06.2025.**

(M. S. KARNIK, J.)
Amk

(CHIEF JUSTICE)