



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 2318 OF 2024

(The Buldhana District Central Co-operative Bank Ltd. vs. Shri Pramod Raghunath Gavande)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders or the directions,
and Registrar's orders.*

Court's or Judge's order

Mr. A.P.Wachasundar, Advocate for petitioner.
Mr. Kunal Pande, Advocate for respondent.

CORAM : SIDDHESHWAR S. THOMBRE, J.
OCTOBER 08, 2025

1) Heard Mr. Wachasundar, learned counsel for the petitioner and Mr. Kunal Pande, learned counsel for respondent.

2) By way of present petition, the petitioner bank has challenged the order dated 13/01/2020 passed by the learned Judge, Cooperative Court, Akola in Dispute Case No.147/2002, wherein the application filed by the opponent Nos.3 and 4 in the dispute came to be allowed and dispute against them came to be dismissed.

3) Learned counsel for the petitioner bank submitted that the application filed by the opponent Nos.3 and 4 before the Cooperative Court is not maintainable and is not as per the record. There was no such compromise between the bank and opponent No.3 and 4 on record, therefore, allowing the application by the learned Cooperative Court is contrary to the record. The order passed by the learned Cooperative Court is not accordance with the record available. Being aggrieved by the same, the petitioner bank has filed an appeal before the Cooperative Appellate Court Mumbai, Bench at Nagpur and same was also dismissed.

4) Per contra, learned counsel for the respondent has stated that there was a compromise and in the order same is recorded by the Cooperative Court. I have gone through the order passed by the learned Judge, Cooperative Court, wherein the specific observation has been made to the effect that bank has admitted about the compromise arrived between the parties which has been recorded by the learned Judge Cooperative Court and is confirmed by the Appellate Court. As such, there is no reason for this Court to interfere with the order passed by both the Courts below. In view of that petition stands dismissed. No order as to costs.

5) At this stage, learned counsel for the petitioner makes a prayer that liberty may kindly be granted to the petitioner bank to file an appropriate application before the Cooperative Court for seeking clarification/modification in order to pointing out that findings about compromise was incorrectly recorded, such prayer can not be considered. I am not inclined to grant such a liberty once the facts and findings are already recorded by the Courts below.

(SIDDHESHWAR S. THOMBRE, J.)