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

WRIT PETITION NO. 9563 OF 2025

Shri Ankush Ramchandra Gund ... Petitioner
V/s.
The State of Maharashtra and ors. ... Respondents

Mr. Vaibhav V. Ugle, for the Petitioner.

Mr. N.C. Walimbe, Addl. GP a/w Mr. A.K.Naik, AGP for the Respondent-State.

Mr. Aniruddha A. Garge i/b Mr. Kashyap Bhalerao, for Respondents No. 2 & 3.

**CORAM : M.S. KARNIK AND
S.M.MODAK, JJ.**

DATE : 6th JANUARY 2026

PC.:-

1. Heard Mr.Ugle, learned counsel for the Petitioner, Mr. Garge, learned counsel for the Respondents No. 2 and 3 and Mr. Walimbe, learned Addl. GP

2. It is the submission of Mr. Ugle that what is challenged in this Petition is not the Recovery Certificate but action taken by the Co-operative Bank effecting the recovery consequent to the issuance of the Recovery Certificate.

3. Mr. Garge, learned counsel for the Respondents No. 2 and 3 raised an objection to the maintainability of the Petition.

4. We find substance in the submission of Mr. Garge.

5. Having heard learned counsel for the Petitioner and as it is the submission of learned counsel for the Petitioner that the amount due has not been correctly calculated by Respondents No. 2 and 3- Bank, though we are not inclined to entertain the present Petition as we find the same is not maintainable, it is open for the Petitioner to make a representation to Respondents No. 2 and 3- Bank for settlement of the loan account. If such a representation is made within a period of one week from today, it is for the Bank to consider such representation in terms of its policy.

6. After the representation is decided, in case the decision is adverse, liberty to the Petitioner to avail alternate efficacious remedy in case occasion so arises. The present Petition is disposed of keeping all contentions open.

7. In the interest of justice and in the facts of the present case, till the representation is decided, no coercive action be taken against the Petitioner as even from the materials on record, we find that substantial amount has been paid by the Petitioner towards servicing the loan account.

8. It is made clear that we have not expressed any opinion on merits of the contentions.

9. The Writ Petition is disposed of.

(S.M.MODAK, J.)

(M.S. KARNIK, J.)