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

WRIT PETITION NO.4561 OF 2026

Nitin Abasaheb Kadam & Anr.

... Petitioners

V/s.

Sale Officer, Abhyudaya Coop.

Bank Limited & Others

... Respondents

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Mr. Sanjiv Sawant with Mr. Rohan Mahadik, Mr. Bhavin Vora, Ms. Mekhala More and Ms. Nikhtha Butty i/by the Juris Partners for the petitioners.

Mr. Yogesh Mishra with Mr. Madhur Pai i/by PRS Legal for respondent Nos.1 and 2.

Ms. Aloka A. Nadkarni, AGP for respondent Nos.3 and 4-State.

CORAM : AMIT BORKAR, J.

DATED : APRIL 22, 2026

P.C.:

1. A limited challenge raised in this writ petition is to an order of attachment. The principal submission is based on a reference made by this Court in the case of *Amritlal P. Shah vs. TJSB Sahakari Bank Limited & Others*, 2025 SCC OnLine Bom 5395.

2. However, the said judgment arose out of a litigation where principal liability was in question whereas order impugned in the present writ petition is executionary in nature whereby property is attached.

3. While considering validity of order of attachment, limited scope of judicial review is, as to whether the property belongs to

borrower or guarantor.

4. In that view of the matter, learned Advocate for the petitioner seeks permission to withdraw the writ petition with liberty to raise aforesaid grounds in a statutory proceedings available under the provisions of the Multi-State Cooperative Societies Act, 2002 read with the Arbitration and Conciliation Act, 1996.

5. Hence, keeping all questions open to be agitated in an application under Section 34, the present writ petition stands disposed of. No costs.

(AMIT BORKAR, J.)