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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**WRIT PETITION (St.) No. 98 OF 2020**

Dadu Rama Tambe & Anr. ... Petitioners  
Vs.  
The Mahanagar Co-operative  
Bank Ltd. & Ors. ... Respondent

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Mr. Rameshwar Totala a/w Ashwin Poojari i/b Adesh Agarkar,  
for the Petitioner.

Mr. P. A. Sarwankar i/b Sarwankar & Co., for Respondent No. 1.  
Mr. S. D. Rayrikar, AGP for Respondent Nos. 2 and 3.

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**CORAM : C. V. BHADANG, J.**

**DATE : JANUARY 6, 2020**

**PC :**

1. Heard the learned counsel appearing for the respective parties. Learned counsel for the Petitioners has placed reliance on Rule 107 of the Maharashtra Co-operative Societies Rules, 1961 ("Rules" for short) in order to submit that certain movable and immovable property of the borrower is attached. The bank has not taken steps for realisation of the loan amount from the said property. Secondly, it is contended that attachment is excessive, inasmuch as for recovery of an amount of Rs. 94 lakhs and odd, the property worth Rs. 3 crores, 51 lakhs and odd of the Petitioners is sought to be

attached.

2. Learned counsel for Respondent No. 1 states that present outstanding is to the tune of Rs. 1 crore, 31 lakhs and odd and the Petitioners have not challenged the recovery certificate and the present writ petition is filed to stall the recovery proceedings.

3. Having heard the learned counsel for the respective parties, first Respondent is directed to file reply within a period of three weeks. There shall be ad-interim relief in terms of prayer clause (b) till the next date. S.O. to 27<sup>th</sup> January, 2020. Petitioners are directed to remove the office objection within one week, failing which the ad-interim relief granted today shall stand vacated, without further reference to Court.

Sd/-  
**[C. V. BHADANG, J.]**

Vinayak Halemath