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1.WP-13716-2024

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1 WRIT PETITION NO. 13716 OF 2024

Sumatiprasad Mishrilal Bafna And Another

VERSUS

The District Magistrate Dhule And Other

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Mr. P. R. Katneshwarkar, Senior Counsel i/by Ms. Supriya Bora Advocate
for petitioners.

Mr. Abhijit Choudhari for Respondent No.2 and 3.

Mr. K. B. Jadhavar, AGP for Respondent-State.

CORAM : KISHORE C. SANT, J.

DATE : 16th DECEMBER 2024

PC :-

1. Heard for some time.
2. It is the case of the petitioners that, they are neither borrowers nor guarantors to the loan given to one Rajendra Ahirrao, Kashinath Kale and Ramesh Chordia, who borrowed the loan from Respondent No.2 by way of three loan accounts. The petitioners claim that they are not concerned with any transactions. They had executed a general power of attorney in favour of their deceased brother Sunil Bafna. He may have created some documents. It is their case that the deceased Sunil Bafna

had also borrowed the loan. However, he had cleared his loan account. So far as the loan accounts of the borrower in the present matter were also closed. The petitioners have produced on record a certificate issued by the bank showing all three accounts involved in this petition are closed in OTS scheme on 18th June 2019 itself. Thus, there was no question of taking further action.

3. This Court had specifically kept the matter today by directing the petitioners to give notice in advance to the respondents. Today, Mr.Choudhari appears for Respondent No.2 and 3 i.e. Co-Operative Bank and Special Recovery Officer. Learned AGP appears for Respondent Nos.1 and 4. However, for want of time, they could not get the proper instructions and prayed for some time.

4. Learned Advocate Mr.Choudhari however submits that the proposal of OTS and closure of the accounts itself is under cloud, there are even criminal proceedings initiated against closure of the account.

5. Considering the above position and that the accounts are already shown to have been closed, this Court is inclined to issue notice to the Respondents, returnable on 20th January 2025.

6. Learned AGP waives service of notice for Respondent Nos. 1 and 4.
7. Mr.Chaudhary waives service of notice for Respondent No.2 & 3.
8. Till the next date, there shall be ad-interim relief in terms of prayer clause (B).

[KISHORE C. SANT, J.]