

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1870 OF 2023

Veershaiv Co-op. Bank Ltd. Kolhapur .. Petitioner
Versus
Anil Shantvanrao Kamat and Ors. .. Respondents

-
- Mr. Surel Shah, Advocate for Petitioner.
 - Mr. P.P. Pujari, AGP for the State.
-

CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 14, 2023.

P.C.:

- 1.** Heard Mr. Shah, learned Advocate for the Petitioner.
- 2.** The present Writ Petition takes exception to the order dated 09.01.2023 passed below Exhibit-15 by the learned Trial Court. Paragraph No.10 of the said order reads thus:-

“10. I have gone through above judgments relied by both the parties. There is no dispute as far as findings given in above judgments. But, as stated above D.H. desires to attach compensation amount which J.D.No.1 is going to get in future and which is not in existence and confirmed at this moment. At present no one knows what will be the amount of compensation that will be decided in the future. The property in respect of which compensation will be decided is mortgaged to other two institutes. Without their say it will not be proper to allow the present application. In above situation the present the present application to be rejected. Hence, the order.

ORDER

- 1.** Application at (Exh.No.15) is hereby rejected.”

- 3.** Mr. Shah would submit that on 25.11.2022 the amount payable to the Respondent No.1 - Anil Shantvanrao Kamat has already

been ascertained as Rs.59,13,381/-. He would urge the Court that the disbursement of the said amount should not be made unless the Petitioner is heard as the Petitioner has a share / entitlement to the said amount, which is the awarded amount declared in acquisition proceedings.

- 4.** An arguable case has been made out by Mr. Shah.
- 5.** Hence, it is directed that the ascertained amount shall not be disbursed by the Respondent No.4 to Respondent Nos.1 and 5 until the present Petition is heard.
- 6.** In that view of the matter, issue notice to the Respondents, Humdast permitted.
- 7.** In addition to service of notice through Court, Petitioner shall serve a copy of the Petition on Respondents and inform them about the next date of hearing by any permissible mode of service and file affidavit of service with tangible proof thereof before the returnable date. Respondents shall file their Reply before the next adjourned date.
- 8.** Mr. Pujari, learned AGP waives service on behalf of Respondent No.4 – SDO.
- 9.** Stand over to **28th February, 2023**. It is made clear that the present Writ Petition shall be heard finally at the stage of admission.

[MILIND N. JADHAV, J.]