

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8895 of 2014

Dwarkadas Mantri Nagri Sahakari Bank
Ltd. Beed through its Branch Manager
Mahila Branch Beed.

...PETITIONER

VERSUS

Ambika Industries Beed, through its
prop. Deepak Prakash Raka R/o Suyog
Nagar, Beed.

...RESPONDENT

Mr. N.P. Bangar, Advocate for the petitioner
Mr. K.J. Suryawanshi, Advocate for the respondent

CORAM : SUNIL P DESHMUKH, J.

DATE : 26th AUGUST, 2015

ORDER :

1. This petition has been moved, since recovery proceedings initiated pursuant to section 101 of the Maharashtra Co-operative Societies Act, 1960, are not being proceeded with further under the apprehension that recovery has been stayed, though proceedings are not.

2. Learned counsel for petitioner points out observations as are appearing in the impugned order dated 12th August, 2014 passed by

Member, Maharashtra State Co-operative Appellate Court, Mumbai,
Bench at Aurangabad that,

“ I make it clear that the bank is restrained from recovering dues and not restrained for initiation of proceeding for crystallization of liability of the disputant towards loan repayment. ”

and also in clause “B” of operative portion of the order,

“ (b) during pendency of the dispute, the opponent hereby restrained from recovering alleged loan dues from the disputant without following due process of law. ”

3. The petition has been moved for setting aside the impugned order as the same is misconstrued by the authority before which proceedings for recovery have been initiated under due process of law.

4. Learned counsel for respondent submits that there is no occasion absolutely for writ petition and the order is eloquent and clear. It is for the concerned officer to appreciate the order and move accordingly, for said purpose writ petition is not necessary.

5. Perusal of aforesaid portions do indicate that there is no restraint on initiation of proceedings and recovery thereof by following due process of law. Conjoint reading of aforesaid two portions of the order does make aforesaid clear.

6. In view of the same, no orders are necessary in the writ petition. Impugned order being quite clear in aforesaid respect, writ petition is not being entertained and as such disposed of.

Sd/-

(SUNIL P DESHMUKH, J.)

MTK.