

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

**WRIT PETITION (STAMP) NO.19606 OF 2015**

**Shri. Kishan Shivmohan Varma**

**.. Petitioner**

**Versus**

**The Divisional Joint Registrar and others**

**.. Respondents**

**Mr. S. S. Aradhya, for the Petitioner.**

**Mr. S. D. Rayrikar, AGP for the Respondent Nos.1 & 2.**

**CORAM : R.M. SAVANT, J.**

**DATE : 3<sup>rd</sup> AUGUST, 2015**

**PC.**

1. The order dated 10.03.2015 passed by the Divisional Joint Registrar, Co-operative Societies, Kolhapur Division, Kolhapur, refusing stay to the Petitioner is taken exception to by way of the above Petition. The Divisional Joint Registrar has refused stay to the Petitioner on the ground that the Petitioner/Applicant has not shown any willingness to pay sufficient amount to stay the proceedings. This Court had also granted opportunity to the Learned Counsel for the Petitioner to take instructions from the Petitioner as to how much amount the Petitioner is ready to deposit. It is required to be noted that the an amount upwards of Rs.13 lakhs is due from Petitioner. The said order is sought to be challenged on the ground that the liquidator did not have the powers to direct recovery

proceedings. However, the order is passed on the touchstone of Section 105(1)(h) of the Maharashtra Co-operative Societies Act and Rule 89(14) of the Rules. Hence, there is no substance in the said contention of the Learned Counsel for the Petitioner. As indicated above, in spite of opportunity the Learned Counsel for the Petitioner states that the Petitioner would deposit an amount of Rs.3 lakhs within four weeks from date. In my view, the said statement is made only as a pretence to show that the Petitioner is ready and willing to deposit some amount. The said amount is only about  $\frac{1}{4}$  of the total amount due from the Petitioner. The willingness of the Petitioner is therefore doubtful. Hence, the said statement of the Learned Counsel for the Petitioner cannot be accepted. In my view, therefore, no case for interference in the Writ Jurisdiction of this Court is made out. The Writ Petition is accordingly dismissed.

**[R.M. SAVANT, J]**