

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**APPELLATE SIDE CIVIL JURISDICTION****WRIT PETITION NO. 1150 OF 2015**

Mohan Tarachand Mukhi & Ors.

....Petitioners.

Vs.

The State of Maharashtra & Ors.

....Respondents.

Mr. Saurabh Butala i/by Mr. Harshad Bhadbhade for the Petitioners.
Ms. Vaishali Nimbalkar, AGP for Respondent Nos. 1 to 3.

CORAM:- ANOOP V. MOHTA, J.

DATE :- 13 FEBRUARY 2015.

P.C:-

Heard the learned counsel appearing for the Petitioner and the learned AGP for the Respondents-State.

2 Against the order passed under Section 88 of the Maharashtra Co-operative Societies Act, 1960 (for short, “the MCS Act”), the statutory Appeal under Section 152 of the MCS Act is available. The Petitioners have already filed the Appeal along with the Stay Application in the year 2008. The submission is made that, no order was passed on the Appeal/Application till this day. The Respondents-Authorities, however, threatening to take action based

upon the order passed under Section 88 of the MCS Act, lastly on 9 December 2014, therefore, the Petitioners pointed out even on merits that the amount so stated has already been recovered from the borrowers. The issue still remained of the threat so given to the Petitioners. As the Appeal is available and as the Application therefore, for stay, if any needs to be proceeded by the concerned Appellate Authority, I am inclined to dispose of the present Writ Petition with liberty to the Petitioners to apply for appropriate interim order/protection in case of any threat and/or action based upon Section 88 order, against which Appeal, as stated to be pending.

3 The Writ Petition is accordingly disposed of, with liberty. There shall be no order as to costs.

(ANOOP V. MOHTA, J.)