

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

WRIT PETITION NO.1863 OF 2015

Shri. Vishnu Narayan Handore

.. Petitioner

Versus

Shri. Ganesh Sahkari Bank Ltd. and others

.. Respondents

Mr. K. S. Patil, for the Petitioner.

None for the Respondents.

CORAM : R.M. SAVANT, J.

DATE : 11th JUNE, 2015

PC.

1. The dismissal of the Appeal by the Maharashtra State Co-operative Appellate Court, Mumbai by the order dated 07.01.2015 is taken exception to by way of the above Petition. The said Appeal was directed against the order dated 10.11.2014 passed by the Co-operative Court, by which order the application for injunction filed by the Petitioner for restraining the Respondent No.1 Bank from initiating recovery proceedings was rejected. The dispute in question being CC No.767 of 2013 has been filed by the Petitioner for restraining the Respondent Bank from recovering the alleged loans of Rs.30,00,000/- and Rs.6,00,000/- taken by the Petitioner. It is the case of the Petitioner that the Petitioner has not availed of any loan and that the Bank has misused the blank forms

signed by the Petitioner and on the basis of it the Bank has shown that Petitioner has availed of two loans i.e. Rs.30,00,000/- and Rs.6,00,000/- respectively. The Trial Court i.e. Co-operative Court on the basis of the material which was placed by the Respondent Bank vide Exhs. 20 and 22 i.e. application for loan, promissory note, agreement of cash credit, deed of hypothication, letter of lien and set off by the Petitioner and thereafter the mortgage which has been executed before the Sub Registrar by the Petitioner rejected the said case of the Petitioner by its order dated 10.11.2014 and held that the Petitioner is not entitled to the grant of injunction.

2. The Petitioner aggrieved by the order dated 10.11.2014 took exception to the same by filing an Appeal before the Maharashtra State Co-operative Appellate Court being A. O. No.80 of 2014. The Appellate Court having regard to the material on record did not find any reason to interfere with the order passed by the Trial Court and accordingly dismissed the Appeal. In the light of the concurrent orders passed by the Courts below rejecting the Petitioner's application for interim injunction, no case for interference in the Writ Jurisdiction of this Court is made out. The Writ Petition is accordingly dismissed.

[R.M. SAVANT, J]