

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 834 OF 2015**

Shraddha Co-op Credit Society Ltd. & Ors.	..Petitioners
Vs.	
The Mumbai District Central Co-op Bank Ltd.	..Respondent

Mr. K. S. Patil for the Petitioners
Mr. Sampatrao Pawar for the Respondent No.1

CORAM : R. M. SAVANT, J.
DATE : 10th June, 2015

P.C.

1 The above Petition takes exception to the Judgment and Order dated 17-1-2015 passed by the Maharashtra State Co-operative Appellate Court, by which order, the Revision Application filed by the Petitioner was allowed on the condition of payment of costs of Rs.10,000/- and deposit of an amount of Rs.3,99,29,358/- with the Respondent bank within 8 weeks from the date of the Judgment. The said amount of Rs.3,99,29,358/- is 50% of the amount in respect of which an Award has been passed against the Petitioner by the Co-operative Court. The above Petition had come up for admission before a Learned Single Judge of this Court on 23-1-2015. This court had whilst issuing notice granted ad-interim relief as the Petitioners had undertaken to deposit an amount of Rs.1 crore with the Respondent bank on or before 1-3-2015 which fact is recorded in the order dated 23-1-2015. It is an undisputed position that the said amount of Rs.1 crore which was undertaken to be deposited has not been deposited by the Petitioners. As indicated above, the Co-operative

Appellate Court had allowed the Revision Application on the condition that the amount of Rs.3,99,29,358/- along with cost of Rs.10,000/-, would be deposited. Hence inspite of the undertaking given to this Court on 23-1-2015, the said amount of Rs.1 crore has not been deposited and the Petitioner enjoyed the benefit of the ad-interim relief on the said basis. The conduct of the Petitioner is therefore highly deplorable and amounts to taking the court for a ride.

2 The Learned Counsel for the Petitioner sought to rely upon the statement showing that till 8-6-2015 an amount of Rs.23,31,359/- is deposited which is disputed by the Learned Counsel appearing for the Respondent Bank who states that an amount of Rs.14,91,500/- has only been deposited. Be that as it may, there can be no dispute about the fact that the amount of Rs.1 crore undertaken to be deposited has not been so deposited though the time for the same was long over. A Writ Court exercising Jurisdiction under Articles 226 and 227 of the Constitution of India cannot obviously countenance such a conduct. Hence on the ground that inspite of undertaking given to this Court the said amount of Rs.1 crore has not been deposited, the above Petition is required to be dismissed and is accordingly dismissed.

[R.M.SAVANT, J]