

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

WRIT PETITION NO.10504 OF 2014

Jayram Bhau Chavan : Petitioner
versus
Malkapur Urban Co-op. Credit Society
Malkapur and anr. : Respondents.

Mr. Yuvraj P Narvankar for the Petitioner.

CORAM : R. M. SAVANT, J.
DATE : 12th June 2015

P.C.

1 The writ jurisdiction of this court is invoked against the order dated 24/04/2014 passed by the Maharashtra State Co-operative Appellate Court, Mumbai by which order the Appeal filed by the Petitioner being Appeal No.87 of 2012 came to be dismissed and resultantly the order dated 10/5/2012 passed by the learned Judge of the Co-operative Court No.1, Kolhapur came to be confirmed.

2 The Petitioner has filed a dispute being Dispute No.100 of 2009 questioning the manner in which the sale of the hypothecated vehicle was conducted by the Respondent No.1 Credit Society. The allegation of the Petitioner was that the vehicle was sold for a grossly undervalued price. It is required to be noted that the Petitioner was advanced a loan facility for purchase of the vehicle which was a truck. On the Petitioner committing

defaults in payment of the installments, the Respondent No.1 Credit Society initiated proceedings under Section 101 of the Maharashtra Co-operative Societies Act. The said proceedings culminated in the recovery certificate being issued in the sum of Rs.2,41,259 against the Petitioner. The Petitioner had not complied with the said certificate nor did he take any steps to challenge the said certificate.

3 It is required to be noted that the remedy by way of revision under Section 154 of the Maharashtra Co-operative Societies Act is available against the certificate issued under Section 101 of the said Act. On the vehicle in question which was hypothecated to the Respondent No.1 Credit Society being taken up for sale and sold which sale according to the Petitioner was for a grossly undervalued consideration, that the Petitioner filed the Dispute in question. In the said Dispute the Respondent No.1 raised an issue as regards maintainability of the Dispute on the ground that the said sale has taken place pursuant to the certificate issued under Section 101 and in terms of the law laid down by this Court a dispute challenging the recovery certificate issued under Section 101 being not maintainable, the Respondent No.1 questioned the maintainability of the said Dispute, the Co-operative Court upheld the objection raised by the Respondent No.1 as regards the maintainability of the Dispute and by its order dated 10/5/2012 ruled that the said Dispute is not maintainable.

4 The Petitioner carried the matter by way of an Appeal being Appeal No.87 of 2012. The Co-operative Appellate Court having regard to the facts as afore-stated did not deem it fit to interfere with the order passed by the Co-operative Court in so far as the said jurisdictional point is concerned.

5 In my view the concurrent orders passed by the Courts below do not suffer from any error of jurisdiction or any other illegality or infirmity for this Court to interdict in its writ jurisdiction. The above Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]