

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11409 OF 2015

Precision Thermo Treaters	..	Petitioner
VS.		
Dr. Annasaheb C. Urban		
Co-operative Bank Ltd. & Anr.	..	Respondents

Mr. S. S. Patwardhan for Petitioner.

CORAM : M. S. SONAK, J.
DATE: 20 NOVEMBER 2015

P.C. :-

- 1] **Not on board. Upon production, taken on board.**
- 2] The challenge in this petition is to the order dated 1 April 2015, by which the Maharashtra State Co-operative Appellate Court has dissolved the interim relief granted in favour of the Petitioner.
- 3] The Petitioner had applied for a restraint upon the Respondents from instituting any proceedings for recovery of loan amounts. The Appeal Court has rightly observed that in terms of Section 41 of the Specific Relief Act 1963 or in any case principles analogous thereto, relief of injunction cannot be granted to restrain any person from prosecuting the judicial proceedings unless of course such restraint is necessary to prevent multiplicity of

proceedings.

4] The learned counsel for the Petitioners fairly stated that the Petitioners are not in a position to deposit or secure the amounts which are being demanded by the Respondent Bank.

5] Considering the aforesaid, it cannot be said that there is any jurisdictional error or perversity of approach. Therefore, no case is made out to entertain this petition. This petition is dismissed. There shall however be no order as to costs.

(M. S. SONAK, J.)

Chandka