

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

WRIT PETITION STAMP NO.22878 OF 2014

Joginder Singh Magoo : Petitioner
versus
The State of Maharashtra and anr. : Respondents.

Mr. Rajiv J Tripathi for the Petitioner.
Ms. Gauri Rao AGP for the Respondent No.1.
Ms. R S Peerbhoy for the Respondent No.2.

CORAM : R. M. SAVANT, J.
DATE : 28th April 2015

P.C.

1 The writ jurisdiction of this Court is invoked against the order dated 30/6/2014 passed by the Divisional Joint Registrar, Co-operative Societies, Mumbai Division, Mumbai by which order the Revision Application filed by the Petitioner came to be dismissed.

2 The Petitioner is the principal borrower from the Respondent No.2 Bank. On default being committed by the Petitioner in payment of the loan amount, proceedings under Section 101 of the Maharashtra Co-operative Societies Act were initiated against the Petitioner by the Respondent No.2 Bank before the Deputy Registrar, Co-operative Societies, Wadala, Mumbai. The amount claimed by the Respondent No.2 Bank is a sum of Rs.1,85,28,079/- from the Petitioner. The petitioner raised a preliminary issue as regards the jurisdiction of the Deputy Registrar to try the said proceedings initiated under

Section 101 of the Act as according to the Petitioner the loan transaction had taken place in Thane, the documents were executed in Thane and therefore it would be the jurisdiction of the Registrar, Thane to try and decide the said application under Section 101 of the Act. The said objection raised by the Petitioner was rejected by the Deputy Registrar by his order dated 18/7/2013. The said order dated 18/7/2013 was challenged by way of a Revision by the Petitioner before the Divisional Joint Registrar. The Divisional Joint Registrar has upheld the order passed by the Deputy Registrar holding that the Deputy Registrar, Co-operative Societies, Wadala, Mumbai has jurisdiction to entertain the said application under Section 101 of the Act.

3 The learned counsel appearing on behalf of the Respondent No.2 Bank draws this Court's attention to the order bearing No.G.N.C. And T.d. No.CSL. 1092/22350/91/15-C, dated the 8th April 1994. By the said order the Assistant Registrars have been conferred powers under Section 101 of the Act against the defaulting members of the Urban Cooperative Banks who reside in Thane or Raigad District. The order further clarifies that the Assistant Registrars who have been on deputation on the Brihan Mumbai Nagari Sahakari Banks' Association Limited Bombay shall exercise powers under Section 101 of the Maharashtra Cooperative Societies Act in the area of Thane and Raigad Districts. Hence the said order fortifies the fact that the Deputy Registrar is having jurisdiction to entertain the application under Section 101

of the Act filed by the Respondent No.2 Bank for recovery of its dues. The instant proceedings are before the Deputy Registrar, Brihan Mumbai Nagari Sahkari Banks Association Ltd. and are therefore covered by the said order. Hence there is no infirmity or illegality in the order passed by the Deputy Registrar or the Divisional Joint Registrar for this Court to interfere in its writ jurisdiction. The above Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]