

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

WRIT PETITION NO.9666 OF 2015

Sujata Mallikarjun Sidnal & Anr. .. Petitioners.
Vs.
State of Maharashtra & Anr. .. Respondents.

Mr. Vikram Chavan with Sheetal Thakur for the Petitioners.
Mr. S.D. Rayrikar AGP for the Respondents.

CORAM : A.K. MENON, J.

DATED : 14TH OCTOBER, 2015

P.C. :

1. The present petition is filed challenging the order of attachment of property said to be belonging to the petitioners. Petitioner No.1 is challenging the attachment levied in respect of property described as Flat No.502, Jay Sai Building, 5th Floor, Central Avenue Road, Near Diamond Garden, Chembur (East), Mumbai 400 078. According to the learned counsel for the petitioner, respondent no.2 inquiry officer while proceeding under the provisions of section 88 of the Maharashtra Co-operative Societies Act has found petitioner no.2, who is a delinquent under the inquiry and in the process of the inquiry has attached belonging to petitioner no.1.

2. It is the case of petitioner no.1 that her objection raised to the order of attachment on 9th October, 2012 and contended that she is the co-

owner of the flat having 55% stake in the flat and that she is a professional having independent source of income and that the said 55% share forms her self acquired property.

3. The inquiry officer has not considered the objections and without giving her opportunity to establish her case proceeded to confirm the order vide order dated 5th March, 2013. Mr. Rayrikar learned AGP appearing for respondent nos.1 and 2 states that he has instructions to the effect that respondent no.2 will hear petitioner no.1 and objections that she has raised to the attachment and passed reasoned order within a period of three months from today. In the circumstances this petition can be conveniently disposed of by directing respondent no.2 to complete the inquiry into objections of petitioner no.1 contain in the letter dated 9th October, 2012 appearing at Exhibit-C and passed a reasoned order on or before 15th January, 2016. In the meanwhile till 15th January, 2016 respondent no.2 shall not take any coercive steps pursuant to the attachment levied by him.

4. Mr. Rayrikar, learned AGP states that respondent no.2 will hear petitioner no.1 on 28th October, 2015 at 11 am. Accordingly, petitioner no.1 shall remain present before the inquiry officer on 28th October, 2015 at 11 am. No adjournment shall be taken unless as per valid reasons.

5. The petition is disposed of in the above terms.

(A.K.MENON, J.)