

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10904 OF 2014

Pralhad S. Deora and Anr.	..	Petitioners
-Versus-		
State of Maharashtra and Ors.	..	Respondents

Mr.Prakash Dhopatkar for petitioners
Mr.N.N.Bhadrashete for respondent No.4
Ms.Gauri Rao, AGP for State.

CORAM : ANOOP V. MOHATA, J.

DATE : 18th February 2015.

P.C.

1] Heard finally by consent of parties. Rule made returnable forthwith.

2] The petition is filed challenging the recovery sought to be made from the petitioner. The petitioner has failed to comply with the mandate of section 154 of the Cooperative Societies Act, 1960 by depositing 50% of the amount ordered to be recovered. Therefore, I see no case to interfere with the said decision on the sole ground in view of the clear provisions of law in this regard laid

down in the case of The Greater Bombay Cooperative Bank Ltd. And Anr. Vs. Dhillon P. Shah & Ors., reported in 2004 (1) ALL MR 25.

3] The petitioners are always at liberty to raise issues based upon certain question of facts and/or the quantum of the amount claimed. The fact that some dispute is pending referring to terrace room but the recovery is sought to be claimed referring to other rooms which are in occupation of the petitioner and as the same, in spite of notice, the petitioner failed to deposit. Therefore, the demand cannot be stated to be without jurisdiction and/or illegal. The petition, therefore, cannot be entertained. It is accordingly dismissed with liberty to invoke appropriate available legal remedies under the law.

(ANOOP V. MOHATA , J.)