

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3199 OF 2011

Swami Swroopanand Sahakari
Patsanstha Maryadit, Dist.Ratnagiri .. Petitioner
Vs.
Milind Mohan Deosthali and ors. .. Respondents

Mr.Mohan Devkule i/b Mr.Rakesh Bhatkar, for the Petitioner

CORAM : M.S.KARNIK, J.
DATE : 26th SEPTEMBER, 2016

P.C. :

. The petitioner's challenge is to an order dated 28/07/2010 passed by the President, the Maharashtra State Co-operative Appellate Court, Mumbai against the order passed by the learned Co-operative Court, Raigad. The petitioner has sanctioned a loan of Rs. 4,00,000/- in favour of the respondents No. 1, 2 & 3. The dispute was filed before the Co-operative Court, Alibag for recovery of sum of Rs. 7,43,168/-. Before filing the said dispute, the petitioner had initiated proceedings under Section 101 of Maharashtra Co-operative Societies Act

before the Competent Authority viz. Registrar and the Registrar has issued recovery certificate.

2. Both the Courts below have concurrently held that in view of the alternate remedy adopted by the petitioner, the filing of the dispute before the Co-operative Court is not maintainable. As the petitioner has already filed proceedings for issuance of recovery certificate under section 101 of the Act, I do not find any fault with the view taken by the learned Lower Appellate Court so as to invoke the jurisdiction under Article 227 of the Constitution of India.

3. Writ Petition is accordingly dismissed.

(M.S.KARNIK, J.)