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IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION******LETTERS PATENT APPEAL No.377 OF 2008******IN******WRIT PETITION No.5011 OF 2007******Baban Maruti Yesne******....Appellant******Vs.******The State of Maharashtra and Ors.******....Respondents***

None for the Appellant

None for the Respondents

CORAM : V. M. KANADE &***SMT. SWAPNA S. JOSHI, JJ******DATE : SEPTEMBER 16, 2016*****P.C. :**

1. None appears on behalf of the Appellant and the Respondents.
2. We have perused the impugned order passed by the Learned Single Judge.
3. Brief facts are that the Assistant Registrar, Co-operative Societies issued a recovery certificate against the payment for a sum of Rs. 35,302/- under section 101 of the Co-operative Societies Act, 1960. The Appellant has challenged the order by filing a revision application before the Divisional Joint Registrar, Co-operative Societies, Mumbai.

It was contended before the Divisional Joint Registrar that the certificate was obtained by relying on the fraudulent documents. The said revision application was dismissed, reserving the right of the Appellant to file an appropriate application before the Special Recovery Officer under Rule 107 of the Maharashtra Co-operative Societies Rules, 1961. Secondly, it was contended by the Appellant that the Divisional Joint Registrar was not justified in directing the Appellant to approach the Special Recovery Officer merely by reserving the right of filing an appropriate application. The Learned Single Judge did not accept the contention of the Appellant and observed that the issue raised by the Appellant could be agitated before the Special Recovery Officer under 107 of the said Rules.

5. In our view, no case is made out by the Appellant to interfere with the impugned judgment and order passed by the Learned Single Judge. Hence, LPA, therefore, is dismissed.

SWAPNA S. JOSHI, J.

V.M. KANADE, J.