

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

WRIT PETITION NO.9030 OF 2015

Nandkumar Bhaskaran Nair : Petitioner.
Versus
Vishwas Co-operative Bank Ltd. Nashik
Through its Chief Executive Officer. : Respondent.

Mr. Sandesh Deshpande for the Petitioner.
Mr. Prashant Naik i/by Mr. S R Waghmare for the Respondent.

CORAM : R. M. SAVANT, J.
DATE : 14th March 2016

P.C.

1 The order dated 22/04/2015 passed by the learned President, Maharashtra State Co-operative Appellate Court, Mumbai is taken exception to by way of the above Petition. By the said order the Application for condonation of delay of 4 months and 24 days days in filing the Appeal has been rejected. The said Appeal was directed against the order dated 08/07/2014 passed in Dispute No.482 of 2005 whereby the Trial Court i.e. the Co-operative Court has rejected the application for amendment of the Dispute. The amendment sought was in respect of raising a challenge to the Recovery Certificate obtained by the Respondent Bank under Section 101 of the Maharashtra Co-operative Societies Act. It seems that the Recovery Certificate has been up held by a learned Single Judge of this Court (A.S.Oka,J) in Writ Petition No.3899 of 2008 by the order dated 19/10/2010. The Letters Patent Appeal filed by the Petitioner was also dismissed. After the recovery certificate

was issued, it seems that the property has also been auctioned and the sale was confirmed in favour of the auction purchaser who has sold the said property to a third party who in turn has further created third party rights and it seems that the property is now with a 4th purchaser

2 In my view, therefore, even if the delay is condoned, no useful purpose would be served in allowing the amendment application. Hence the order of the Co-operative Appellate Court refusing to exercise discretion in favour of the Petitioner does not warrant any interference at the hands of this Court in its writ jurisdiction. The above Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]