

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12120 OF 2016

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.A.B.Tajane for the petitioner

Ms.M.S.Bane, 'B' Panel Counsel for the respondent nos.1 and 2

Mr.Sarang Aradhye for the respondent nos.3 and 5

CORAM : K. K. TATED, J.

DATE : OCTOBER 25, 2016

P.C.:

1 Not on board. At the request of Advocate for the petitioner, matter is taken on board for urgent orders.

2 Heard the learned counsel for the parties.

3 By this petition under Article 227 of the Constitution of India the Petitioner challenges the order dated 31.12.2015 passed by Divisional Joint Registrar, Co-operative Societies, Pune Division, Pune in Revision Application No.243 of 2014 dismissing the same on the ground that petitioner failed to comply the provisions of section 154(2A) of Maharashtra Cooperative Societies Act, 1960 i.e. to deposit 50% of disputed amount.

4 The learned counsel for the petitioner submits that the certificate issued by the authority under section 101 of the said act itself was issued in respect of the claim which was barred by limitation. He submits that in the present proceedings, authority issued recovery certificate on 15.3.2001. Thereafter respondent no.2 passed order on 24.6.2014 i.e. after more than 13 years. He submits that these facts were not considered by the authority below at the time of passing impugned order dated 31.12.2015. He submits that whether recovery certificate can be issued in respect of time barred claim is required to be decided and same is not considered by the authority below. Hence, he preferred the present Writ Petition.

5 It is to be noted that in the present proceedings, Divisional Joint Registrar, Co-operative Societies, Pune Division, Pune rejected petitioner's Revision Application No.243 of 2014 for non compliance of provision of section 154 2(A) of the said Act i.e. to deposit 50% amount of the Recovery Certificate.

6 Considering these facts, I do not find any reason to consider the other issue raised by the petitioner before this court. Hence, Writ Petition stands rejected.

JUDGE