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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**COMPANY APPLICATION (L) NO. 729 OF 2015
IN
COMPANY PETITION NO. 420 OF 2014**

Mr. Balwant Shivram Rane	...Applicant
In the matter between	
The Greater Bombay Co-operative Bank Ltd.	...Petitioner
VS	
M/s Manthan Builders & Developers Pvt. Ltd.	...Respondent

.....
Ms Rita D Bhatia for the Applicant.
Mr Rushabh Shah a/w Mr H. Singh i/b Raval Shah & Co.for the Petitioner.
Ms Pratibha R. Assistant OL present.
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CORAM : B. P. COLABAWALLA J.

MARCH 30, 2016

P.C.:

This Company Application is filed by the Applicant Mr Balwant Shivram Rane, seeking an order to restrain the Petitioner bank from taking any further action against his personal property being Flat No.201, 2nd Floor, J – Wing, Nisarg Heaven CHS Ltd. 90ft Road Cross Lane, Opp. MCA Ground, Mahavir Nagar, Kandivali (W) Mumbai – 400 067 (hereinafter referred to as “said property”). It is not in dispute before me that the Petitioner bank has obtained a recovery certificate under Section 101 of the Maharashtra Co-operative Societies Act, 1960 against this Applicant. The Recovery Certificate is for an amount of approximately Rs.10 Crores and the Petitioner bank has already attached this very same

property under the provisions of the Maharashtra Co-operative Societies Act, 1960.

2 In this view of the matter, this Company Application is thoroughly misconceived and is accordingly dismissed.

(B. P. COLABAWALLA J.)