

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

C.A.O.NO.1129/2016 & M.C.A.ST.NO. 10846/2016 IN W.P.NO.2601/2015.

Shri Chandrabhan Maroti Chunchwar

-VERSUS-

The Maharashtra State Cooperative Housing Finance Corporation Ltd. Mumbai and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : B.P. DHARMADHIKARI &
KUM. INDIRA JAIN, JJ.

DATE : JULY 05, 2016.

Heard Shri S.M. Puranik, learned Counsel
for the applicant and Ms. K.S. Joshi, learned A.G.P. for
non-applicant nos. 2 to 4.

2. Learned counsel appearing on behalf of the
applicant points out that there is delay of about 2 days
in filing review petition. He further adds that Writ
Petition No. 2601/2015 has been disposed of on
04.04.2016 without hearing the applicant, and
applicant was respondent no.4 in that matter.
According to him, respondent no.4 has already cleared
the loan liability and therefore, no action under
Section 100 of the Maharashtra Cooperative Societies

2

Act can be continued or initiated against him.

3. On 04.04.2016, we have taken note of the fact that there was no appearance for respondent no.4 though he was served.

4. We have further found that a recovery certificate under Section 156 of the Maharashtra Cooperative Societies Act was already issued against respondent no.4, and it needed to be executed under Section 100 of the Act. Hence expressly mentioning that we are passing the orders without prejudice to rival contentions of the parties, we have only asked the concerned authority to proceed further in pending proceedings under Section 100 of the Act.

5. All contentions of respondent no.4 are therefore open and can be looked into by the said Authority. We therefore, find that the present attempt is misconceived and accordingly the same is rejected.
No costs.

JUDGE

JUDGE

Rgd.