

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

WRIT PETITION NO. 5660 OF 2015

(M/s. Rashtriya Chemicals and Fertilizers Ltd. vs. Commissioner for Sugar, Maharashtra State,
Pune & Ors.)

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 &
P.N. DESHMUKH, JJ.
MARCH 16, 2016.**

Heard Shri Kukday, learned counsel for the petitioner and Mrs. Naik, learned AGP for respondent Nos. 1 to 3.

The learned AGP submits that as records are very old, the office of Respondent No. 3 at Pune is still trying to find out the same.

We find that the petitioner has moved an application on 29.03.2008 for permission to execute the decree. The decree is obtained by it from Civil Judge, Senior Division, Darwha, in Special Civil Suit No. 16 of 2004 (old S.C.S. No. 113 of 1999) on 14.11.2005.

Thus, a recovery from the year 1999 cannot proceed further as application under Section 107 of Maharashtra Cooperative Societies Act, 1960, has not been decided and the petitioner has not been given necessary leave.

In view of the difficulty pointed out by the learned AGP, we direct the petitioner to supply duplicate copy of the application dated 29.03.2008 (at Annexure C

with the petition) to Respondent No. 3 within a period of two weeks from today.

If such an application in duplicate (true copy) is received by Respondent No. 3, the office of Respondent No. 3 shall process it further in accordance with law and reach suitable decision within next three months.

With these directions, writ petition is disposed of. However, there shall be no order as to costs.

JUDGE

JUDGE

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