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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 1164/2016
RAM DHAN Petitioner
Through Mr. T.D. Yadav, Advocate.
versus
THE REGISTRAR CO-OPERATIVE SOCIETIES, GOVT. OF NCT
OF DELHI & ORS. Respondents
Through Mr. Rajiv Vij, Advocate for respondent
No. 4.

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MS. JUSTICE SUNITA GUPTA

% **ORDER**
03.08.2016

Ram Dhan in this writ petition has impugned orders of recovery passed by the Recovery Officer Assistant Collector, Grade-1 in Recovery Case No. 1644/13-14/1330, ***Delhi Nagrik Sehkari Bank Limited versus Ram Dhan*** and Execution Case No. 1407/13-14 titled ***Mantola Cooperative Thrift and Credit Society Limited versus Ram Dhan***.

2. The petitioner was a guarantor in respect of two loans taken by Naveen Kumar and Amit Kumar from the Delhi Nagrik Sehkari Bank Limited and the Mantola Cooperative Thrift and Credit Society Limited respectively. The petitioner does not dispute that he was a guarantor to the said loans. Thus, the liability of the petitioner would be joint and several with that of the principal debtor and it is open to the petitioner to take steps in accordance with law for recovery of the amount paid by him as a guarantor from the principal debtor.

3. The contention of petitioner is that there is violation of Section 60 of the Code of Civil Procedure, 1908 as his salary has been attached and the amount being recovered is beyond or more than what can be legally

recovered in terms of the aforesaid Section.

4. Having heard learned counsel for the petitioner and the respondent-cooperative societies, we direct the petitioner to file an application before the Assistant Collector, Grade-1 in the execution/recovery proceedings relying upon Section 60 of the Code of Civil Procedure, 1908. After hearing the decree holder in the said proceedings, a speaking order will be passed by Assistant Collector, Grade-1.

5. The petitioner is at liberty to file the said application within two weeks and the Assistant Collector, Grade-1 will decide and dispose of the matter within four weeks thereafter. It will be open to the petitioner to move an interim application along with the aforesaid application and after examining the same, appropriate order may be passed by the Assistant Collector, Grade-1.

6. With the aforesaid directions and observations, the writ petition is disposed of.

SANJIV KHANNA, J.

SUNITA GUPTA, J.

AUGUST 03, 2016
VKR