

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 8285 OF 2016

Hina Shahin Co-operative Urban Bank Ltd.
Through its Liquidator

..PETITIONER

VERSUS

Ansar Khan Khaja Khan

..RESPONDENT

....
Mrs. J.P. Reddy, Advocate h/f Mr. M.P. Gude, Advocate for petitioner.
Mr. H.V. Tungar, Advocate for respondent.
....

**CORAM : M.S. SANKLECHA, J.
DATED : 12th APRIL, 2017**

ORDER :

1. This petition challenges the orders dated 28th February, 2014 and 30th June, 2015 passed by the Co-operative Court, Aurangabad and the Maharashtra State Co-operative Appellate Court, Mumbai at Aurangabad respectively. The impugned order dated 28th February, 2014 allowed the dispute filed by the respondent challenging the notice issued under Section 105 of the Maharashtra Co-operative Societies Act (hereinafter referred to as 'Act'). The appeal against the above order dated 28th February, 2014 was dismissed by the impugned order dated 30th June, 2015. The impugned orders directed the petitioner bank to reconstruct the loan after taking into

account the repayments done by the respondent and recover the balance thereafter in accordance with law.

2. It is an agreed position between the parties that the issue arising herein stands concluded in view of order dated 16th January, 2017 of this Court in Writ Petition No. 8324 of 2016 (Hina Shahin Co-operative Urban Bank Ltd., Beed Vs. Mirza Ansar Baig s/o Sujat Baig) and other connected matters.

3. This Court in similar factual position as arising in Writ Petition No. 8324 of 2016, where the Co-operative Court in its order had directed the bank to reconstruct the loan account after giving effect to the payments made by the respondent and thereafter recover the remaining dues in accordance with law, refused to interfere with the impugned orders.

4. In the above view, no interference is called for in the present petition. Petition stands dismissed.

(M.S. SANKLECHA, J.)

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