

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

WRIT PETITION NO. 8605 OF 2015

SITARAM SHIVARAM JAYABHAYE
VERSUS
JAMKHED MERCHANT CO OPERATIVE BANK, AHMEDNAGAR AND
OTHERS

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Advocate for Petitioner : Shri Kulkarni Sanket S..

Advocate for Respondent 1 : Shri G.D.Jain.

AGP for Respondent 3/ State : Shri S.N.Kendre.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 15th September, 2017

Per Court:

1 The Petitioner is aggrieved by the order dated 31.10.2012 by which the Revision Application No.758/2012 filed under Section 154 of the Maharashtra Cooperative Societies Act, 1960 has been rejected purely on the ground of failure to comply with sub-section (2A) of Section 154.

2 Shri Kulkarni, learned Advocate for the Petitioner, submits that the Petitioner has deposited an amount of Rs.84,600/- with the Respondent Bank. He submits that if the revision petition that was instituted in 2012 is restored, the Petitioner would deposit 50% of the assessed amount or the deficit amount as Rs.84,600/- is deposited, as on the date of filing of the revision petition, within a period of four weeks.

3 Shri Jain, learned Advocate for the Respondent/ Bank, relies upon the affidavit in reply filed. He submits that recently the Bank has been taken over by the Reserve Bank of India and as such, if this Court is inclined to restore the revision petition, the same should be subject to the compliance of sub-section (2A) of Section 154.

4 Considering the above, this Writ Petition is partly allowed by quashing and setting aside the order dated 31.10.2012 passed by the Divisional Joint Registrar, Cooperative Societies. Revision Application No.758/2012 shall stand restored to the file of the competent authority on the condition that the Petitioner shall deposit 50% of the assessed amount inclusive of Rs.84,600/-, as on the date of the filing of the revision petition, within FOUR WEEKS from today, failing which this order shall stand recalled and the order dated 31.10.2012 rejecting the revision petition shall stand restored.

5 All the contentions of the litigating sides are kept open.