

(1)

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

**WRIT PETITION NO.10660 OF 2014
WITH
WRIT PETITION NO.10730 OF 2014**

The Balasaheb Satbhai Merchants'
Co-operative Bank Ltd., Kopargaon,
Tq. Kopargaon, Dist. Ahmednagar
(presently under liquidation),
Through its Liquidator,
Anil S/o Rangnathrao Puri,
Age: 46 years, Occu: Service
as Assistant Registrar,
Co-operative Societies,
Kopargaon

..PETITIONER
(orig. resp. no.1)

VERSUS

1. Anant s/o Laxmikant Kulkarni,
(died, through L.Rs.)
- 1-A Arati Anant Kulkarni,
R/o 12, Datta Laxmi Apartment,
3rd Floor, Chaitanya Nagar,
Gangapur Road, Near Arihant Hospital,
Nashik – 422007
- 1-B Rohan Anant Kulkarni,
R/o 12, Datta Laxmi Apartment,
3rd Floor, Chaitanya Nagar,
Gangapur Road, Near Arihant Hospital,
Nashik – 422007
2. Mr. G. G. Mavale,
The Inquiry Officer,
Shri Balasaheb Satbhai Merchants'
Co-operative Bank Ltd., Kopargaon,
and The Deputy Registrar,
Co-operative societies, Nasik
3. The Divisional Joint Registrar,
Co-operative Societies,
Nasik Division, Nasik
4. The State of Maharashtra,
Through the Secretary
to the Government Maharashtra

(2)

in Co-operation, Marketing &
Textile Department, Mantralaya,
Mumbai – 32

5. The Hon'ble Minister,
Department for Co-operation,
Marketing and Textile,
Maharashtra State,
Mantralaya, Mumbai – 32

..RESPONDENTS

Mr N. R. Bhavar, Advocate for petitioner;
Mr S. S. Kulkarni, Advocate for respondent No.1;
Mr A. N. Patil, Advocate for respondent No.2;
Mr C. V. Dharurkar, A.G.P. for respondent Nos. 3 to 5;

CORAM : NITIN W. SAMBRE, J.

DATE : 12th September, 2017

ORAL ORDER

It is not in dispute that by common judgment dated 24th October, 2016, in Writ Petition No.10647 of 2014 along with connected matters, this Court has allowed petitions involving identical issue, which had been preferred by the petitioner-Bank.

2. In the wake of above, a prayer is made by the petitioner for allowing the present petitions in terms of the aforesaid judgment.

3. Mr Kulkarni, learned Counsel appearing for the legal heirs of original Director who is held to be responsible under Section 88 of the Maharashtra Co-operative Societies Act, 1960 would put forth a plea of financial difficulty and hardship which is sought to be substantiated by producing on record documentary evidence, viz. the medical bills, etc.

(3)

4. According to Mr Kulkarni, this Court should take into account the said aspect of the matter particularly having regard to the liability fixed on the then Director who happened to be their blood relations.

5. Considered rival submissions. In my opinion, the petitions can be disposed of in terms of common judgment dated 24th October, 2016, passed by this Court in Writ Petition No.10647 of 2014, by allowing the present petitions preferred by the Bank and by setting aside the order of the revisional authority i.e. Hon'ble Minister.

Writ Petitions are accordingly allowed in terms of the aforesaid common judgment dated 24th October, 2016.

So far as the claim of financial hardship put forth by the legal heirs of the respondent – Director is concerned, it is made clear that the legal heirs of the said respondent shall bring the said fact to the notice of the competent authority effecting recovery, who may consider the same.

(NITIN W. SAMBRE, J.)

amj