

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7703 OF 2017

Vinod Pralhad Babar ..Petitioner
Versus
Durga Co-operative Credit Society Ltd.and ors. ..Respondents

Mr. Kishor S. Patil, advocate for the petitioner.
Ms. Nisha Mehra, AGP for the State.

**CORAM : RANJIT MORE &
PRAKASH D. NAIK, JJ.**

DATE : 14th AUGUST, 2017.

P. C. :

Heard the learned counsel for the petitioner and learned
AGP for the State.

2. Earlier, the petitioner approached this Court by filing writ petition stamp No.9095 of 2016 challenging the order dated 18th January, 2017 passed by the Special Recovery and Sales Officer of the respondent No.1-Society. This petition was dismissed by an order dated 16th January, 2017. The learned Single Judge, however, observed that the petitioner, if so advised, may take recourse under Section 154 of the Maharashtra Cooperative Societies Act, 1960 or Rule 107(19) of the Maharashtra Cooperative Societies Rules , and if any such proceedings are filed, they would be tried on their own merits and in accordance with law.

3. Mr. Patil, learned counsel for the petitioner, thereafter, filed an application under Rule 107(19) before the respondent No.2 on 27th February, 2017, a copy of which is annexed at page 36. The grievance of the petitioner is that, respondent No.2, however, refused to entertain this application and returned the same to the petitioner. The averment to that effect is made in paragraph 16 of the petition. There is no denial to this averment.

4. In the above circumstances, in our opinion, the interests of justice would be subserved by directing respondent No.2 to entertain and decide the petitioner's application under Rule 107 (19), a copy of which is annexed at "Exhibit G", page 36 on merits and in accordance with law expeditiously. Ordered accordingly.

5. The writ petition stands disposed off.

(PRAKASH D. NAIK, J.)

[RANJIT MORE, J.]