

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 5219 OF 2017

Karan Ramesh Jadhav

...Petitioner

Versus

The Special Recovery Officer & Ors.

...Respondents

.....

Mr. Nishant M. Sangle for the Petitioner.

Mr. Aniruddha A. Garge for Respondent Nos. 1 and 2.

.....

**CORAM: Mrs. MRIDULA BHATKAR, J.
DATED: MAY 4, 2017**

P.C. :

1. The learned counsel for the petitioner has submitted that the petitioner has challenged the recovery proceeding initiated under section 101 of the Maharashtra Co-operative Societies Act 1960. The petitioner has filed this Writ Petition because he has directed to deposit 50% amount of the loan. He has further submitted that a fraud has played on the petitioner by respondent nos. 1, 2, and 4. The petitioner has filed a criminal case against them, though loan amount was paid directly to the dealer i.e. respondent no. 4. He has further submitted that the petitioner has never received motor car from respondent no. 4. The dealer i.e. respondent no. 4 has

directed the petitioner to take loan from Jalgaon Janta Sahakari Bank only. He has further submitted that the learned Metropolitan Magistrate, 53rd Court, Mulund, Mumbai has directed the Investigating Officer, vide order dated 24.08.2016 to investigate the matter under section 156 (3) of Code of Criminal Procedure. Therefore, this Petition be entertained.

2. In view of section 154 of the Maharashtra Co-operative Societies Act 1960, this revision is maintainable and therefore, this Petition cannot be entertained as the revision has already been filed by the petitioner.

3. In view of the above, Writ Petition is dismissed.

(MRIDULA BHATKAR, J.)