

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Writ Petition NO. 10896 OF 2015

Sudam Bhikoba Jadhav And Anr

...Petitioners

Versus

The Karad Janata Sahakari Bank Ltd. And Ors

...Respondents

Mr.Sachin Punde, for the Petitioners.

Mr.VB.Rajure, for Respondent No.1.

Mrs.Vaishali Nimbalkar, AGP for Respondent Nos.2 to 4.

CORAM : G.S. KULKARNI, J.**DATE : 12th January,2017.**

ORDER:

1. The challenge in the Writ Petition is to an order dated 24 July 2015 passed by the Revisional Authority whereby the Petitioners' Revision Application has been rejected for want of compliance of deposit of 50% of the recoverable dues as required under Section 154(2A) of the Maharashtra Co-operative Societies Act,1960 (for short 'the said Act'). In assailing the impugned order, the contention as urged on behalf of the Petitioners is that the order assailed in the Revision namely the order dated 3 December 2014 passed by the Assistant Registrar granting a recovery certificate under Section 101 of the said Act, is passed without application of mind inasmuch as a valid defence was set out by the

Petitioners as also the contentions as urged on behalf of Respondent No.1 were appropriately denied by the Petitioners. All this is not taken into account while passing the order dated 3 December 2014. He submits that the observations as made by the Assistant Registrar are thus ex facie erroneous. He has drawn my attention to a specific contention as raised by the Petitioners in denying the case of Respondent No.1 and more particularly to paragraphs 4 and 8 of the reply filed before the Assistant Registrar.

2. Be that as it may, the impugned order passed by the learned Revisional Authority, in my opinion, cannot be interfered. The law in that regard is well settled. The Petitioners may be correct in their contention, ultimately all these contentions are required to be gone into in the revision proceedings which should be maintainable subject to the statutory requirement of deposit of 50% of the recoverable amount under the recovery certificate. The Petitioners cannot pray before this Court to dispense with the requirement of law in that regard.

3. Resultantly, no interference is called for in the impugned order. The Petition is accordingly rejected. No costs.

(G.S.KULKARNI, J.)