

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

WRIT PETITION NO. 1410 OF 2017

ARJUN DAGDU BHAGAT

VERSUS

THE MANAGER, SHRI CHHATRAPATI RAJASHRI SHAHU
URBAN CO OPERATIVE BANK LIMITED BEED AND OTHERS

...

...

Advocate for the Petitioner : Shri H. V. Tungar
Advocate for Respondent Nos. 1 and 2 : Shri K. J. Suryawanshi
Advocate for Respondent No. 3 : Shri J. M. Murkute

WITH

WRIT PETITION NO. 2404 OF 2017

RAM BABURAO HARAL

VERSUS

THE MANAGER SHRI CHHATRAPATI RAJASHRI SHAHU
URBAN CO OPERATIVE BANK LIMITED AND OTHERS

...

Advocate for the Petitioner : Shri J. M. Murkute
Advocate for Respondent Nos. 1 and 2 : Shri K. J. Suryawanshi
AGP for Respondent No. 3 : Shri S. R. Yadav

WITH

WRIT PETITION NO.12782 OF 2017

SHRI CHHATRAPATI RAJESHREE SHAHU URBAN CO-
OPERATIVE BANK LIMITED AND ANOTHER

VERSUS

THE DIVISIONAL JOINT REGISTRAR CO-OPERATIVE
SOCIETIES LATUR AND ANOTHER

...

Advocate for the Petitioners : Shri K. J. Suryawanshi
AGP for Respondent No. 1 : Shri S. R. Yadav
Advocate for Respondent No. 2 : Shri J. M. Murkute

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CORAM : RAVINDRA V. GHUGE, J.
DATED : 16th JULY, 2018.

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PER COURT :

1. I have heard the learned Advocates for the respective sides.

2. All these three petitions originate from a common issue wherein Arjun Dagdu Bhagat, the petitioner in the first petition, is said to be the borrower and Ram Baburao Haral is said to be one of the guarantors alongwith Ankush Gopinath Ghogare.

3. After considering the submissions of the learned Advocates, I find that these petitions can be disposed off on one solitary ground which is, that the first petitioner Arjun Dagdu Bhagat has suffered the impugned order dated 18/10/2016 passed by the Divisional Joint Registrar, Co-operative Societies, Latur by which, Revision Application No. 27/2016 filed by Ram Babulal Haral has been rejected and the bank seeking recovery is directed to proceed against Shri Bhagat. Grievance of Shri Bhagat is that he was not made a

party to Revision Application No. 27/2016 and, therefore, he was rendered defenseless before the Divisional Joint Registrar, Latur.

4. It requires no debate that any person who is condemned unheard, will have a right to seek the quashing of such an order as he was neither a party to the proceedings, nor did he get an opportunity to defend himself. Any order passed against such a person, would be unsustainable if he is not heard.

5. Considering the above, first petition is allowed. The order dated 18/10/2016 is quashed and set aside and Revision Application No. 27/2016 is remitted to the office of the Divisional Joint Registrar, Co-operative Societies, Latur.

6. Respondent No. 3, Revisional applicant, namely Ram Baburao Haral agrees to add Shri Arjun Dagadu Bhagat and Ankush Gopinath Ghogare as the respondents in the said Revision.

7. The revisional applicant would add the above stated persons as respondents in the said proceedings on 04/08/2018. All these litigating sides, except Ankush Gopinath Ghogare who is not a party to these proceedings, would appear before the concerned Authority on 04/08/2018. The said authority need not issue notices to these parties, though it shall issue notice to Ankush Gopinath Ghogare. After the appearance of Ankush, the concerned authority would decide the said proceedings expeditiously.

8. In the second and third petition, the Revisional applicant as well as the bank have challenged the same order dated 18/10/2016. Since the said order has been set aside in the first petition, both these petitions are disposed off in view of the above directions.

9. It is made clear that the impugned order is set aside only because Arjun Bhagat was not added as a respondent in view of the right of hearing that he deserves.

10. The Divisional Joint Registrar would, therefore, be at

liberty to decide the said proceedings on its own merits and without being influenced by any of observations made by this Court.

11. All contentions of litigating sides are kept open.

(RAVINDRA V. GHUGE, J.)

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