

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

WRIT PETITION NO. 2958 OF 2018
WITH
WRIT PETITION NO. 2959 OF 2018

VAIJAPUR MERCHANT CO OPERATIVE BANK LTD
AURANGABAD THROUGH BRANCH MANAGER AND
ANOTHER
VERSUS
THE DIVISIONAL JOINT REGISTRAR CO OPERATIVE
SOCIETIES AND ANOTHER

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Advocate for Petitioners : Shri K.J. Surywanshi.
AGP for respondent No.1 : Shri S. K. Tambe.

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**CORAM : RAVINDRA V. GHUGE, J.
DATED : 23rd March, 2018.**

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PER COURT :-

1] In the first petition, respondent No. 2 is a guarantor and in the second petition respondent No. 2 is a borrower.

2] I have considered the submissions of the learned counsel for the petitioners and the learned AGP on behalf of respondent No.1.

3] Grievance is that respondent No.1 has granted an exparte blanket stay in favour of the respondent No.2 herein in

the Revision Application No. 8/2018 without considering the law laid down in the case of *M/s Shewalkar Developers Limited Versus Rupee Co-operative Bank Ltd., 2016(1) MLJ 382*. Though an amount of more than Rupees One Crore Fifty Five Lac is to be recovered from respondent No. 2, the Divisional Joint Registrar has granted protection without directing the applicant to deposit any amount.

4] I find from the judgment delivered by the learned Division Bench of this Court in *M/s Shewalkar Developers Limited* (supra) that an enquiry has been initiated against the concerned officer of the Co-operative Court for having granted a blanket stay.

5] It is informed by the learned AGP that respondent No. 1 would now be hearing the application for interim relief on 26/03/2018.

6] In the light of the above, I am disposing of this matter keeping in view the statement of the learned AGP that the Divisional Joint Registrar would consider the submissions of all the sides and decide the interim application expeditiously. It needs mention that the Divisional Joint

Registrar will properly understand the judgment of this Court in *M/s Shewalkar Developers Limited* (supra) while considering the interim application of the applicant.

7] This petition is disposed of with the abovesaid directions.

(RAVINDRA V. GHUGE, J.)

shp/-