

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6613 OF 2016
WITH CA/4541/2017 IN WP/6613/2016

BHAGWAN SAMBHAJI BHAGWAT
VERSUS
SUNITA RAMRAO DESHPANDE AND OTHERS

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Advocate for Petitioner : Shri Agrawal Pavankumar S.
Advocate for Respondent 1 : Shri Vasmatkar Amol G.
AGP for Respondents 2 to 5 : Shri Tambe S.K.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: January 30, 2018

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PER COURT :-

1. I have briefly heard the learned Advocates for the petitioner, respondent No.1 and the AGP on behalf of respondents 2 to 5.

2. During the pendency of this Writ Petition, there was no interim relief granted to the petitioner and as a consequence of which, the impugned order dated 3.3.2016, remanding the matter to the lower authority has been implemented and pursuant thereto certain orders have been passed. As such the impugned order dated 3.3.2016 stands implemented.

3. Pursuant to the above, an appeal under Section 18(4) of the Maharashtra Money- Lenders (Regulations) Act, 2014 has been filed

by the petitioner before the Divisional Joint Registrar, Cooperative Societies, Aurangabad bearing Savkari Appeal No. 8 of 2017. Though a Civil Application No.4541 of 2017 has also been filed in this Court on 5.4.2017, the subsequent orders have been assailed by the petitioner in the said appeal. A stay application has also been filed by the petitioner.

4. Apprehension of the petitioner is that the Divisional Joint Registrar is likely to draw an impression that as no relief was granted by this Court, all contentions of the petitioner are without merits. I find this apprehension to be wholly mis-placed. So also the said apprehensions can be done away with by necessary observations of this Court in this order.

5. Considering the above, this petition is disposed off. Pending Civil Application also stands disposed off.

6. It is clarified that this Court has not dealt with the merits of the rival contentions of the litigating sides for the reason that the Divisional Joint Registrar, Cooperative Societies, Aurangabad is seized with Savkari Appeal No.8 of 2017. He shall decide the same after hearing all the sides, on it's own merits and without being influenced by any of it's earlier orders.

7. Considering that the proceedings were remanded on three occasions to the authority below by the Divisional Joint Registrar, it is made clear that the Divisional Joint Registrar, Cooperative Societies / respondent No.3 herein shall decide Savkari Appeal No.8 of 2017, by passing a reasoned order and shall not remand the matter for the fourth time to any authority below him. All contentions, inclusive of the jurisdiction issue as have been raised by the litigating sides, shall be specifically dealt with by the said authority on its own merits.

(RAVINDRA V. GHUGE, J.)

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