

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

907. WRIT PETITION No. 4793 of 2018

Vilas Dagdu Chor and others ... Petitioners

Versus

Shrinathy Nagari Sahakari Pat Sanstha,
Wadgaon (Gupta) Tal. & Dist. Ahmednagar ... Respondent

Mr. B.G. Sagade, Advocate for petitioners

Coram : N.M. Jamdar, J.

Date : 24 November 2018.

ORAL ORDER:

1. Heard the learned Counsel for the petitioners.
2. By this petition, the petitioners have challenged the concurrent orders passed by the Co-operative Court, Ahmednagar and the Co-operative Appellate Court, Mumbai, Bench at Aurangabad. The learned Judge, Co-operative Court, Ahmednagar, has passed the impugned judgment and award dated 17 December 2016 directing the petitioners to pay an amount of ₹ 50,000/- alongwith interest. Petitioners thereafter filed an appeal with the Co-operative Appellate

Court which was dismissed by the impugned order. The petitioners had availed loan from the respondent-bank of ₹ 50,000/- sometime in the year 1999. Since he did not repay the amount, the bank had to file a dispute in the year 2002. Thereafter instead of repaying the amount, petitioners chose to contest the matter.

3. The learned Counsel for the petitioners contended that the rate of interest shown is high which was not agreed at the time of granting loan. It is the contention of all the petitioners that their signatures were taken on blank papers i.e. usual and general defence that is taken.

4. The petitioners have chosen to litigate and perhaps spent more money for the litigation than the principal amount but have refused to repay the loan amount to the respondent-bank. Both the Courts after considering the evidence on record and appreciating the same, have negated all the contentions of the petitioners. There is no error or perversity in the impugned decision. The writ petition is accordingly dismissed.

N.M. Jamdar, J.