

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

920 WRIT PETITION NO. 469 OF 2018

UJWALA UMESH PATIL
VERSUS
GHANSHYAM MADHAV BENDALE

WITH
933 WRIT PETITION NO. 549 OF 2018

UJWALA UMESH PATIL
VERSUS
DINKAR VAVDHAN DHANDE

...
Advocate for the Petitioner : Smt.Kutti Choudhary Chaitali R..
...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 17th January, 2018

Per Court:

1 In both these petitions, the Petitioner has suffered the judgments of the District Consumer Redressal Forum, Jalgaon, both dated 12.12.2012 in Complaint Nos.636/2009 and 637/2009, respectively.

2 The grievance is that the Petitioner was not a party to the said proceedings as the Petitioner has been subsequently appointed as a Manager. Further grievance is that the District Forum has issued a warrant thereby, compelling the Petitioner to remain present before the District Forum in Execution Application Nos.76/2016 and 98/2016, respectively.

3 There is no dispute that the Petitioner or the Society represented by the Petitioner today, has challenged the judgments of the District Consumer Forum dated 12.12.2012, in these petitions, after five years, without approaching the State Commission.

4 It is contended that the Directors of the Managing Committee cannot be held personally liable to pay the dues or damages in the light of the view taken by this Court in Sau.Varsha Ravindra Isai vs. Rajashree Rajkumar Chaudhari, 2011 (3) ALL MR 88.

5 In the light of the above, I have called upon the Petitioner to make a statement as to whether, the amount of about Rs.1.10 lac in the first matter and Rs.1 lac in the second matter, can be deposited in this Court in the light of the law laid down by the learned Division Bench of this Court in the matter of M/s Shewalkar Developers Limited vs. Rupee Cooperative Bank Limited, 2016 (1) Mh.L.J. 382.

6 The learned Advocate for the Petitioner submits, on instructions, that the Petitioner can deposit only 25% of the amount, which is to be recovered and is not in a position to deposit any further amount.

7 Considering the above and the fact that the Society has not challenged the judgment of the District Forum before the State Consumer Redressal Commission for a period of more than five years and the Society

has put forth the Petitioner individual as a shield to avoid the implementation of the judgment of the District Forum, both these Writ Petitions cannot be entertained and hence, stand dismissed.

kps

(RAVINDRA V. GHUGE, J.)