

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.717 OF 2018

(Anusayabai Eka Shirsath Vs District Registrar of Money Lending, Dhule and others)

WITH

WRIT PETITION NO.773 OF 2018

(Mayabai Devra Shirsath Vs District Registrar of Money Lending, Dhule and others)

Mr.Mohit S. Shah, Advocate for the petitioners.

Mr.S.R.Yadav-Lonikar, AGP for respondent Nos. 1 and 2.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 06/02/2018

PER COURT :

1. In both these petitions, the petitioners have challenged the orders passed by the District Registrar under the Maharashtra Money Lending (Regulation) Act, 2014 and the orders passed by the Divisional Joint Registrar which is the Appellate Authority under the said Act.

2. Learned Advocate for the petitioners have strenuously criticized the impugned orders. It is contended that 2 witnesses, who have signed as witnesses on certain receipts, have tendered an affidavit that respondent Nos. 3 and 4 are indulging in money lending activities. The record reveals that there was a raid on the residences of respondent Nos. 3 and 4 in the first petition and respondent Nos. 3

to 5 in the second petition. Despite the said position, the concerned District Registrar, under the Act, has held that there is no evidence of these respondents having resorted to money lending activities.

3. Further contention is that the Appellate Authority, though has reproduced the contentions of the litigating sides, has not adduced any reason as to why the appeals preferred by these petitioners are being rejected. Grievance is that a cryptic order is passed thereby rejecting the appeals.

4. It is settled law that merely because a second view could be possible, the impugned order cannot be set aside. The Appellate Authority has gone through the entire pleadings of the litigating sides. Their pleadings and contentions are reproduced in the order. The written notes of submissions have also been considered. The judgments cited have been gone through and there are observations regarding the said judgment cited in paragraph No.4 of the orders of the Appellate Authority.

5. It appears from both the impugned orders that after the residence of these respondents were raided and all the documents pertaining to the properties with regard to which grievances were

voiced by these petitioners were perused and considered, it was noted that certain lands were mentioned in the sale deeds and the documents pertaining to such sale deeds were available. The said documents were not covered u/s 18 of the Act of 2014. Moreover, those documents pertain to the year 2000. One such document indicated the date as 31/07/2000. None of these documents fell within 15 years period as is set out in Section 18 of the said act. In some of the documents pertaining to the year 2001, 2002, 2003 and 2004, though the said receipts bore the finger prints of the petitioners alongwith their signatures with the same identical witnesses, none of those receipts carried the signature of the respondents herein against whom the complaint was filed by these petitioners.

6. It is in this fact situation that the authorities below concluded that Section 18 of the Act of 2014 was not attracted.

7. Considering the above, I do not find that the impugned orders can be termed as being perverse or erroneous. Both these petitions, being devoid of merit, are therefore, dismissed.

(RAVINDRA V. GHUGE, J.)