

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Krishna Laxman Patil and Anr. ...Petitioners
Versus
Chairman/Manager,
Shri Adinath Co-op. Bank Ltd. and Ors. ...Respondents

Mr.A.B.Kadam, A.G.P for the Respondent – State.

DATE : 19th OCTOBER, 2018

1. Heard learned counsel for the parties.
2. Rule. Rule is made returnable forthwith with the consent of the parties and is taken up for final disposal. Respondents waive service through their respective Counsel.
3. By this Petition, the Petitioners have impugned the order dated 23rd January, 2018, passed by the Divisional Joint Registrar, Co-operative Societies, Kolhapur Division, Kolhapur in Revision Application No.51 of

2017, by which the Divisional Joint Registrar, Co-operative Societies, Kolhapur Division, Kolhapur, was pleased to reject the Petitioners Revision Application for non-compliance of Section 154(2A) of the Maharashtra Co-operative Societies Act, 1960. (hereinafter referred to as 'the said Act').

4. Learned Counsel for the Petitioners submitted that the Divisional Joint Registrar, Co-operative Societies, Kolhapur Division, Kolhapur had failed to consider that the Petitioners had already deposited more than 50% under the Recovery Certificate and as such there was no justification for the Authority to reject the Petitioners Revision Application for non-compliance of Section 154(2A) of the said Act. He submitted that in the Recovery Certificate the amount mentioned is Rs.7,77,377/- with interest as on 1st August, 2016. He submitted that the Petitioners had already deposited a sum of Rs.6,65,000/- odd with the Respondent No.1– Bank and as such the deposit was more than the amount mentioned in the Recovery Certificate.

5. Learned Counsel for the Respondent No.1 submits that the

Petitioners are yet to pay an amount of Rs.2,23,000/-. He, however, does not dispute the fact, that the Petitioners have deposited more than 50% with the Respondent No.1-Bank.

6. Perused the papers. It appears that the Divisional Joint Registrar, Co-operative Societies, Kolhapur Division, Kolhapur, rejected the Petitioners Revision Application, for failure to comply with Section 154(2A) of the Maharashtra Co-operative Societies Act, 1960. It is not in dispute that the Petitioners have deposited more than 50% of the amount with the Respondent No.1-Bank and as such it cannot be said that the Petitioners have not complied with Section 154(2A) of the said Act.

7. Having regard to the aforesaid, the impugned order dated 23rd January, 2018, passed by the Divisional Joint Registrar, Co-operative Societies, Kolhapur Division, Kolhapur in Revision Application No.51 of 2017, is quashed and set aside. The Petitioners Revision Application is restored back to its original file.

8. The Divisional Joint Registrar, Co-operative Societies,

Kolhapur Division, Kolhapur, to hear the Revision Application, on its own merits, in accordance with law, after hearing the parties.

9. The Divisional Joint Registrar, Co-operative Societies, Kolhapur Division, Kolhapur, to decide the Revision Application, as expeditiously as possible and in any event within three months from the date of receipt of this order.

10. All parties to appear before the Divisional Joint Registrar, Co-operative Societies, Kolhapur Division, Kolhapur on **2nd November, 2018 at 3.00 p.m.**, after which the Divisional Joint Registrar, Co-operative Societies, Kolhapur Division, Kolhapur, to give dates convenient to him.

11. Rule is made absolute in above terms. All contentions of all parties are expressly kept open.

12. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)