

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 8981 OF 2015

Javed Hussain Mohiuddin Jamadar ... Petitioner

Versus

Sangola Urban Co-operative Bank Ltd & ors ... Respondents

Mr. Shikur Gafur Kudale, for the Petitioner.

Mr. S. R. Ghanavat, i/b V. S. Talkute, for Respondent no.1

Mr. Vishal S. Tambat, for Respondent no.2.

Mr. T. J. Pandian, for Respondent no.3.

**CORAM : A. A. SAYED &
K. K. SONAWANE JJ
DATED : 9TH JULY, 2018**

P.C.:

1. The substantive prayer in the Writ Petition is prayer clause (b), which reads as follows:

“(b) This Hon'ble Court be pleased to issue the writ of certiorari, order directions or any other order, directions or appropriate writ in the nature of certiorari calling for records and proceedings in respect of the impugned order dated 20.2.2006 issued by the Special Recovery Officer of the Respondent No.1 herein and after perusing the legality, propriety and correctness of the said order the same is not

binding upon the Petitioner after the execution of the Deed of Assignment dated 6.5.2009 by the Respondent No.2 in favour of the Respondent No.4 and 5 herein and accordingly, it be declared that Petitioner is entitled for the refund of the amount with interest @ 18% per annum for the amount which was recovered from his salary for the purpose of paying the same to the Respondent No.1 herein after 6.5.2009.”

2. The Petitioner had earlier approached this Court by filing Writ Petition No. 11106 of 2013. The Division Bench of this Court by order dated 7th March, 2014, dismissed the Writ Petition keeping open the statutory remedy of the Petitioner. The Petitioner has already approached the Debt Recovery Tribunal wherein Respondent no.1 Bank as well as Respondent no.2 Bank are party Respondents.

3. In these circumstances, we are not inclined to entertain the Writ Petition. The Writ Petition is accordingly dismissed. All contentions are kept open.

4. In the nature of order that we have passed, it is not necessary for us to consider the two Judgments relied upon by the learned Counsel for the Petitioner.

[K. K. SONAWANE, J.]

[A. A. SAYED, J.]