

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11722 OF 2013

**Lord Balaji Co-operative Bank
through Special Recovery Officer,
Shri Farid Gulab Shaikh**

..... Petitioner

VERSUS

Rohini Sandeep Patil & Anr.

..... Respondents

Mr.Manoj Patil for the Petitioner.

Mr.R.A.Naik, i/b. Mr.Umesh Mankapure for the Respondent no.1.

Mr.S.D.Rayrikar, A.G.P. for the State – Respondent no.2.

CORAM : R.D. DHANUKA, J.

DATE : 19th JUNE, 2018

P.C.

By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order dated 21st November,2013 passed by the learned Divisional Joint Registrar, Co-operative Societies, Kolhapur Division at Kolhapur in Revision Application No.198 of 2012 which was filed by the respondent no.1 *inter alia* praying for setting aside an attachment order levied on the property allegedly bequeathed by her from Smt.Tarabai Bhau Patil. It is not in dispute that Smt.Tarabai Bhau Patil has expired.

2. Admittedly, the said Smt.Tarabai Bhau Patil was not a party to the proceedings under section 101 of the Maharashtra Co-operative Societies Act, 1960. No independent proceedings have been filed by the petitioner against the said late Smt.Tarabai Bhau Patil for recovery

of any amount based on alleged writing annexed at Ex.A to the petition. The respondent no.1 claims to be a legatee under the alleged Will left by the said Smt.Tarabai Bhau Patil.

3. For the reasons recorded aforesaid, I do not find any infirmity with the order dated 21st November,2013 passed by the learned Divisional Joint Registrar, Co-operative Societies, Kolhapur Division thereby allowing the revision application filed by the respondent no.1 and setting aside the order of attachment dated 26th May,2011.

4. Mr.Patil, learned counsel for the petitioner seeks continuation of the ad-interim relief granted by this court on 19th December,2013 to enable the petitioner to file appropriate proceedings against the respondent no.1 for recovery of its alleged dues.

5. *Ad-interim* relief granted by this court on 19th December,2013 to continue for a period of four weeks from today.

6. The petitioner shall be at liberty to file appropriate proceedings for recovery of its alleged dues against the respondent no.1 if any. It is made clear that this court has not expressed any views as to whether the petitioner can recover any such amount from the respondent no.1 or not. All contentions of parties on merits are kept open.

7. Writ petition is dismissed with aforesaid clarification. No order as to costs.

[R.D. DHANUKA, J.]