

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

WRIT PETITION NO. 12616 OF 2017

Chimanlal Jatashankar Joshi

... Petitioner

Versus

The Greater Bombay Co-operative Bank Ltd. ... Respondent

.....

Ms. Ritu Yadav i/b Reeti Law Association for Petitioner.

Mr. Harish R. Pawar for Respondent-Bank.

.....

**CORAM : A. A. SAYED AND
V. L. ACHLIYA, JJ.**

DATE : 19th JUNE, 2018

P. C.:

1. Learned Counsel for the Respondent-Bank has pointed out the provisions of Rule 107(19)(a) of the Maharashtra Co-operative Societies Act, 1960, which reads as follows:-

“Where any claim is preferred to, or any objection is made to the attachment of, any property attached under this rule on the ground that such property is not liable to such attachment, the Recovery Officer shall investigate the claim or objection and dispose it of on merits:

Provided that no such investigation shall be made when the Recovery Officer considers that the claim or objection is frivolous”.

2. In view of the above, the learned Counsel for the Petitioner seeks leave to withdraw the Petition with liberty to approach Recovery Officer in terms of the above provision.

3. The Petition is disposed of as withdrawn with liberty as prayed.

4. In the event, an application is made before the Recovery Officer within a period of three weeks from today, the same shall be decided by the Recovery Officer expeditiously.

5. Until the decision of the Recovery Officer, the Respondent-Bank shall not take further coercive steps in respect of the properties mentioned in clauses 4 and 5 of the impugned notice dated 3rd August, 2017 viz; 4) Room No.3, Mukund Patil Lane, Andheri BMC, Andheri (W), Mumbai 400 058 is occupied & in use of Shri. Kalpesh Chimanlal Joshi and 5) C-2, 1404 Madhvan, Near Indian Oil Nagar, J P Road, Andheri – (West) Mumbai 400 053 is occupied & in use of Shri Kalpesh Chimanlal Joshi.

(V. L. ACHLIYA, J.)

(A. A. SAYED, J.)