

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4381 OF 2018

Naina Dinesh Agrawal

...Petitioner

vs.

The Hindustan Co-operative Bank Ltd.

...Respondent

Mr. Mayur V. Faria for the petitioner.

Mr. V.C. Ghosalkar for the respondent.

**CORAM : A.A. SAYED &
M.S. KARNIK, JJ.**

DATE : JULY 17, 2018

P.C.:

*The Respondent is Co-operative Bank registered under the provisions of the Maharashtra Co-operative Societies Act, 1960. Learned Counsel for the Respondent – Bank has relied upon the judgment of the Full Bench of this Court in the case of **Shamrao Vithal Co-operative Bank Ltd. & another Vs. Padubidri Pattabhram Bhat & another, 1993 (1) MhLJ 1** which holds that a Co-operative Society does not fall within the expression “State” under Article 12 of the Constitution and a Writ Petition would not be maintainable. He submitted that there are other claimants to the Fixed Deposit amount and Saving Account amount in question who have not been made parties to the Writ Petition.*

2. In view of the above, we are not inclined to entertain the Writ Petition. It would be open for the Petitioner to adopt appropriate remedy as available in law.

3. *The Petition is disposed of in the aforesaid terms.*

(M.S. KARNIK, J.)

(A.A. SAYED, J.)