

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3100 OF 2014

Jivandhara Nagari Path – Sanstha
Maryadit Kheradewangi

..... Petitioner

VERSUS

Rajaram Mahind Sakat & Ors.

..... Respondents

Mr.Prashant Bhavake for the Petitioner.

Mr.Dilip Shinde, i/b. Mr.Vikas Mali for the Respondent nos. 1 to 3.

Mr.S.H.Kankal, A.G.P. for the State – Respondent nos.4 and 5.

CORAM : R.D. DHANUKA, J.

DATE : 30th JANUARY, 2018

P.C.

Rule. Learned counsel for the respondent nos. 1 to 3 waives service. Mr.Kankal, learned A.G.P. waives service for respondent nos. 4 and 5.

2. By consent of parties, petition is heard finally.

3. By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order dated 11th December, 2013 passed by the respondent no.4 allowing the Revision Application No.115 of 2008 filed by the respondent nos. 1 to 3.

4. A perusal of the impugned order dated 11th December, 2013 passed by the Divisional Joint Registrar, Kolhapur Division, Kolhapur indicates that the impugned order is passed ex-parte insofar as the petitioner is concerned. By the impugned order, the learned authority has allowed the revision application by rendering a finding that the

respondent nos. 1 to 3 had applied for loan of Rs.80,000/- whereas in the account instead the petitioner bank had shown loan of Rs.1,60,000/-.

5. The impugned order dated 11th December, 2013 passed by the Divisional Joint Registrar, Kolhapur Division, Kolhapur is set aside.

6. Revision Application No.115 of 2008 filed by the respondent nos. 1 to 3 is restored to file. The learned Revisional Authority shall decide the matter afresh after giving an opportunity of being heard to all the parties and shall decide the matter in accordance with law without being influenced by the observations made and the conclusion drawn in the impugned order dated 11th December, 2013.

7. The parties are directed to remain present before the Revisional Authority on 18th February, 2018 at 03.00 p.m. without fail.

8. The parties to act on the authenticated copy of this order.

9. The petitioner would be at liberty to file affidavit in reply/written arguments before the Revisional Authority which also shall be considered by the authority before passing any fresh order in the matter.

10. Rule is made absolute in the aforesaid terms. No order as to costs.

11. All issues on merits are kept open.

[R.D. DHANUKA, J.]