

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****WRIT PETITION NO. 2806 OF 2014****Ankush Ramchandra Gavade****..... Petitioner****VERSUS****The Divisional Joint Registrar,
Co-operative Societies & Ors.****..... Respondents**

Mr.S.S.Patwardhan, i/b. Mr.Chetan Patil for the Petitioner.

Mr.S.H.Kankal – A.G.P. for the State – Respondent nos.1 and 2.

Mr.Ajay Joshi for the Respondent no.3.

CORAM : R.D. DHANUKA, J.**DATE : 2nd JULY, 2018****P.C.**

By consent of parties, following order is passed :-

(a) The impugned order dated 21st January,2013 passed by the respondent no.1 is set aside to the extent it is held that the petitioner is the borrower and had taken a loan from the respondent no.4.

(b) The proceedings are restored before the learned Assistant Registrar, Co-operative Societies, Sawantwadi.

(c) The learned Assistant Registrar shall decide the application under section 101 of the Maharashtra Co-operative Societies Act, 1960 filed by the respondent no.4 society afresh without being influenced by the

observations made by the learned Divisional Joint Registrar to the effect that the petitioner was a borrower and shall decide the said issue also on its own merits after complying with the principles of natural justice and expeditiously.

(d) The directions issued by the learned Divisional Joint Registrar to issue a recovery certificate against the petitioner based on the findings that the petitioner is borrower is also set aside.

(e) The learned Assistant Registrar shall decide the matter afresh including the issue as to whether the petitioner is a borrower or not.

2. Writ petition is disposed of in the aforesaid terms. No order as to costs.

[R.D. DHANUKA, J.]