

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2368 OF 2016

Harshida Babulal Desai

.. Petitioner

Versus

State of Maharashtra Through the Office of
Govt. Pleader and ors.

.. Respondents

Mr. Arun Mehta a/w Sanket Shah i/b Akshar Laws for Petitioner.
Ms. Deepti Panda a/w Mr. Kuber Wagle i/b Purnanand & Co. for
Respondents.

CORAM : B.P. COLABAWALLA, J.

DATED : FEBRUARY 6, 2018.

P.C: -

1 This Writ Petition was filed seeking a Writ of certiorari to quash and set aside the impugned order dated 7th October, 2015 (Exhibit-'A') passed by the District Deputy Registrar of Cooperative Societies (Respondent no. 2) as well as the Impugned Recovery Certificate dated 28th January, 2015 passed under Section 101 of the Maharashtra Cooperative Societies Act, 1960. This matter was substantially argued before me. Now the parties have reached a settlement and have agreed before me through their learned counsels as follows:-

- (a) Respondent No. 4 is unconditionally allowed to withdraw the amount of Rs. 1,19,904/- deposited by the Petitioner in this Hon'ble Court along with accrued interest thereon, towards its dues from the Petitioner towards the first six installments of the Major Repair Fund along-with interest and other charges raised upon the Petitioner by Respondent No. 4. The Certificate under Sec. 101 is marked satisfied.
- (b) After giving credit to the Petitioner for the abovementioned Rs. 1,19,904/-, Respondent No. 4 is entitled to recover a further amount of Rs. 35,671 (Rupees Thirty Five Thousand Six Hundred and Seventy One Only) from the Petitioner under the Recovery Certificate dated 28.01.2015 issued by Respondent No. 3. Respondent No. 4 hereby waives the balance unpaid amount of Rs. 35,671 recoverable from the Petitioner and the Petitioner shall be deemed to have paid all her dues towards the Major Repair Fund including interest and other charges as per the Recovery Certificate for the first six installments for the repair of the building structures.
- (c) The seventh installments in respect of the Major Repair Fund is meant for the parking repair charges and the bill for the same has not been

raised upon the Petitioner by the Respondent No. 4 till date. All contentions in respect of the 7th Bill are kept open.

2. The said Writ Petition is disposed of in the aforesaid terms. No order as to costs.

(B.P COLABAWALLA, J)