

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 2755 OF 2018

Chanda Jagdeep Sambhawani

... Petitioner.

V/s.

The Jankalyan Sahakari Bank Ltd.,
& 13 Others.

... Respondents.

Ms. Precilla D'Souza, Advocate, i/by Mr. C. J. Joveson for the
Petitioner.

Mr. Onkar V. Warange, Advocate, for Respondent No.1.

Mr. Manish Upadhye, AGP for State - Respondent Nos. 10 &
14.

Ms. Akshita Palvia, Advocate i/by M/s. M. Mulla Associates for
Respondent No. 7.

CORAM : K.K. TATED & N.J. JAMADAR, JJ.

DATE : OCTOBER 23, 2018.

PC :

1 Heard learned counsel for the parties.

2 By this petition under Articles 226 & 227 of the
Constitution of India, the Petitioner is seeking declaration that
the attachment of her saving account no. 012010100005193
and saving account no. 044200195255131 with Respondent
Nos. 1 and 7, is illegal and hence the said attachment be set
aside.

3 Learned counsel for the Petitioner submits that both the bank accounts were in joint name with her husband. She submits that her husband borrowed some amounts from Respondent Nos. 1 and 7 and as he failed to repay the said amounts, the Respondent Banks proceeded under section 101 of the Maharashtra Co-operative Societies Act and obtained a certificate to that effect. She submits that in the process, the Respondent Banks attached her bank accounts also. She submits that neither she is a borrower nor a guarantor and therefore, there is no question of attaching her bank accounts.

4 On the other hand learned counsel Mr. Warange appearing on behalf of Respondent No.1- Bank submits that an alternate efficacious remedy is available to the Petitioner to file appropriate application under Rule 107 (19) of the Maharashtra Co-operative Societies Rules, 1961. He further submits that the attachment was done by them by following due process of law. He submits that both these accounts stand in joint name of borrower as well as the petitioner. Not only that, they already withdrawn the amount lying in these accounts and appropriated it towards the loan amount. Therefore, there is no question of entertaining the present petition under Articles 226 & 227 of the Constitution of India.

5 We heard both the sides at length. It is to be noted that an alternate efficacious remedy is available to the

Petitioner under Rule 107 (19) of the said Rules. Therefore, it is not possible to entertain the present writ petition.

6 Hence, the writ petition stands rejected, as alternate efficacious remedy is available to the Petitioner. No order as to costs.

(N.J. JAMADAR, J.)

(K. K. TATED, J.)

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