

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

913 WRIT PETITION NO. 7675 OF 2016
AND
CIVIL APPLICATION NO.4555 OF 2017

SHISHIR VISHWASRAO SANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Shri Syed G.R.
AGP for Respondents 1 & 2 : Shri Yadav S.R.
Advocate for Respondents 3 & 4 : Shri Kawale L.H.
h/f Shri Suryawanshi K.J.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: February 01, 2019

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PER COURT :-

1. None appeared for the original petitioner on 18.1.2019 and even today.
2. A Recovery Certificate issued under Section 101 of the Maharashtra Cooperative Societies Act, 1960, ("the said Act") dated 16.11.2011 is sought to be challenged in this petition filed on 13.7.2016.
3. The petitioner has a statutory remedy under Section 154 read with Section 2A of the said Act.
4. This petition is, therefore, dismissed.

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

2-WRIT PETITION NO. 7675 OF 2016

5. The Civil Application filed by the Credit Society seeking withdrawal of the amount of Rs.1,02,000/-, deposited by the petitioner in this Court on 19.9.2016, is allowed. The Society shall withdraw the entire amount, along with the accrued interest and adjust the same, as against the recovery from the petitioner. This shall be set off against the deposit under sub-section 2A of Section 154 of the said Act, if the petitioner prefers a revision petition. All contentions of the litigating sides, including the issue of whether the petitioner is liable to pay, are kept open.

6. If the petitioner approaches the revisional authority within four weeks from today, the time spent by the petitioner in this Court from 13.7.2016 until four weeks from today, would be a good ground for seeking condonation of delay.

(RAVINDRA V. GHUGE, J.)

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