

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5561 OF 2019

(Rajabhau s/o Sonaji Hajare Vs. The Divisional Joint Registrar and
others)

WITH CIVIL APPLICATION NO.6105 OF 2019

Mr.S.M.Kamble, Advocate for the petitioner.

Mr.S.R.Yadav, AGP for respondent Nos. 1 and 2.

Mr.V.P.Golewar h/f Mr.A.R.Joshi, Advocate for respondent Nos. 3
and 4.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 07/06/2019

PER COURT :

1. The learned AGP and the learned Advocates appearing on behalf of respondent Nos. 3 and 4 submit that pursuant to the speaking order passed by the learned Vacation Judge dated 14/05/2019, the petitioner has deposited 50% of the assessed amount (which is Rs.5,73,680/-) with the Bank. In view of the said deposit, it is submitted that the petitioner has complied with sub section 2(A) u/s 154 of the Maharashtra Co-operative Societies Act. Consequent thereto, the impugned order could be set aside, which was passed by the said Authority refusing to entertain the revision proceedings as 50% of the amount was not deposited.

2. Learned Advocate for the petitioner submits that he is about 60

years of age and is a labourer. The borrower, who has passed away, was the wife of the applicant. Learned Advocate for the petitioner submits that the bank may make an effort to facilitate a one time settlement to the petitioner and the whole issue could be resolved. Learned Advocate for the Bank submits that he would take instructions and would consider the request sympathetically. If it is possible, the one time settlement would be arrived at in the presence of the revisional authorities.

3. In view of the above, this petition is disposed off by setting aside the impugned order dated 13/02/2019. MA No.1/2019 stands restored to the file of the Divisional Joint Registrar, Co-operative Societies, Latur.

4. The litigating sides would appear before the said authority/respondent No.1 on 01/07/2019 at 11.00 a.m. The said authority shall acknowledge that the petitioner/Revisional applicant has complied with sub Section 2(A) of Section 154 and shall proceed with the pending proceedings in accordance with Law. It is hoped that respondent No.1 would allow the parties to explore the possibility of a one time settlement and if such negotiations fail, it can proceed with the pending proceedings.

5. Considering the above and the fact that 50% of the assessed amount has been deposited, the ad-interim relief granted by this Court on 14/05/2019, as against the notice dated 24/04/2019, shall continue until the revisional authority decides the pending proceedings. The Bank shall consider whether one time settlement is possible within 8 weeks from today. If one time settlement is not possible, the revisional authority would proceed with the pending proceedings and decide the same as expeditiously as possible and preferably on or before 30/09/2019.

6. Learned Advocate for the Bank makes a statement on instructions that the auction notice dated 04/05/2019 shall not be proceeded with until the revisional authority decides the pending proceedings.

7. The civil application does not survive and stands disposed off.

(Ravindra V.Ghuge, J.)