

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

902 WRIT PETITION NO.4157 OF 2016

SATPUDA URBAN CREDIT CO OPERATIVE SOCIETY LTD THROUGH
ITS SPECIAL RECOVERY OFFICE
VERSUS
THE DIVISIONAL JOINT REGISTRAR CO OPERATIVE SOCIETIES
NASHIK AND OTHERS

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Advocate for Petitioner : Mr.Hon Ashwin V., Sr.Counsel
Mr. SK Tambe, AGP for Respondents: 1 & 2;
Thoke Dhananjay B For R/3a To 3e;
Mr. SS Patil, Adv. For Resp.Nos. 4 and 5.

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CORAM : P.R. BORA, J.
DATED : 3rd July, 2019.

PER COURT:-

1. Heard learned counsel for respective parties. Perused the impugned orders and the other material placed on record.

2. Though it was strenuously urged by the learned Sr. Counsel Shri Hon that on the basis of the documentary evidence placed on record, the Assistant Registrar was competent enough to issue a certificate under Section 101 of the Maharashtra Co-operative Societies Act, 1960 (for short the said Act), as was prayed by the petitioner, after having considered the documents on record, it is difficult to agree with the submission so made. As

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has come on record, the very fact of obtaining the loan and signing the loan documents was in dispute. The learned Assistant Registrar, in the circumstances, has rightly declined to entertain the application under Section 101 of the Act and to issue certificate as was prayed by the petitioner society. The learned Assistant Registrar, however, has passed a further order, protecting interest of the petitioner society to agitate the issues, which were raised before him, at the appropriate forum and to get resolved the dispute between it and the borrower. The order passed by the Assistant Registrar has not been challenged by the respondents in any higher court. The said order has thus attained finality.

3. In the above circumstances, it appears to me that the present petition can be disposed of by giving liberty to the petitioner society, as has been observed by the Assistant Registrar, Co-operative Societies, in his order dated 5th August, 2015, to avail appropriate remedy before the appropriate court competent to decide the dispute, as has been raised by the petitioner society. If

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any such proceeding is initiated by the petitioner society, it would be open for the petitioner society as well as the respondents to put-forth their respective contentions in the said proceeding, which shall be dealt with by the said court in accordance with law on their own merit. It is expected that if any such proceeding is initiated, the court concerned shall expedite hearing of the said proceeding having regard to the fact that the original dispute is old one.

(P.R. BORA)
JUDGE

BDV