

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9235 OF 2019

Kamlakar Bankatrao Gokhane

...Petitioner

Versus

Osmanabad Janta Sahakari Bank Ltd. &
Anr.

...Respondents

.....
Mr. S.C.Swami, Advocate for the Petitioner.
.....

CORAM : **RAVINDRA V. GHUGE, J.**

DATE : **30-07-2019.**

PER COURT :

01. By this petition filed on 18.4.2019, the petitioner seeks to challenge an Order dated 31.7.2013 passed by the Trial Court by which warrant has been issued for deducting Rs. 10,000/- per month from the salary of the petitioner-Judgment debtor No.1.

02. In one breath, the petitioner submits that the loan amount was never disbursed to him. In the same breath, he submits that the loan amount was of Rs. 34,777/- and he has re-paid an amount of Rs. 28,400/-. For the remaining paltry amount, with interest @17%, the recovery is now for an amount of Rs. 1,12,043/-.

03. Having considered the submissions of the learned Advocate, having perused the grounds formulated in the memo of the petition and having gone through the petition paper book, I find that there are several disputed questions raised by the petitioner beginning with as to whether the loan amount was ever disbursed to him. Moreover, these issues are being raised in the Supervisory jurisdiction of this Court after 6 years. A stale Order is now challenged. In order to deal with such disputed issues, the petitioner can explore the remedy as may be permissible in law.

04. In view of the above factors, this petition is dismissed.

[RAVINDRA V. GHUGE]

JUDGE

Dahibhate/-