

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.7623 OF 2019
IN WP/9016/2011

INDUMATI CHANDRAKANT CHAUDHARI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicants : Shri Patil Vijay B.
AGP for Respondent 1 : Shri Munde S.W.
Advocate for Respondent 2 : Shri Rodge Krishna
h/f Shri Kulkarni S.S.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: September 20, 2019

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PER COURT :-

1. The learned Advocate for the applicant submits that erroneously he has mentioned that Rs.2,00,000/- are to be recovered from respondent No.2 / Financial Institution, which statement is recorded in the order dated 5.7.2019. He tenders an apology and submits that the said amount is Rs.4,00,000/-.

2. On 5.7.2019, I had passed the following order:-

"1 The applicant seeks refund of an amount of Rs. 2,00,000/- (Rs. Two Lacs only) which, the respondent no. 2- society had withdrawn from this Court pursuant to the order of this Court dated 22.04.2014. As the revision proceedings initiated by the applicant under Section 154(2A) of the

Maharashtra Co-operative Societies Act have been allowed and the applicant has succeeded, the said amount will have to be refunded by respondent no. 2 to the applicant.

2 Issue notice to respondents no. 1 and 2, returnable on 2nd August, 2019. Learned AGP waives service of notice on behalf of respondent no. 1.

3 Notice is not issued to respondents no. 3 and 4 in view of the submission that they are formal parties and not concerned with this issue. "

3. The learned Advocate for respondent No.2 submits that the certificate under Section 101 of the Maharashtra Cooperative Societies Act has been quashed and set aside by the revisional authority under Section 154 of the said Act. The learned Advocate for the petitioner submits that the dispute raised by the financial institution before the Cooperative Court has also been dismissed. Ever since the order of the Registrar dated 28.3.2018 quashing the recovery certificate, no proceedings have been initiated by the said financial institution.

4. In view of the above, this civil application is allowed. Respondent No.2 shall deposit a Banker's Cheque / Demand Draft for an amount of Rs.4,00,000/- in favour of the applicant, by name, in this Court, on/or before 27.9.2019. After the said cheque / Demand

draft is deposited, the applicant would be at liberty to withdraw the said amount. If the said amount, as directed above is not deposited, the amount of Rs.4,00,000/- shall carry an interest at the rate of 6% per annum from 1.5.2014, until the amount is deposited.

(RAVINDRA V. GHUGE, J.)

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