

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

WRIT PETITION NO.13979 OF 2019

FRANSIS AHILAJI BHOSLE THROUGH LRS INDUBAI
FRANSIS BHOSLE AND OTHERS
VERSUS
YASHWANT NAGRI SHAKARI PATSANSTHA MARYADIT
THROUGH ASSISTANT MANAGER

...
Advocate for the Petitioners : Shri S. C. Arora

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 20th NOVEMBER, 2019.

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PER COURT :

1. The petitioners, original judgment debtors, seek to challenge the registration of Darkhast No. 47/2018 in which notice to the petitioners has been issued on 15/10/2018 under Order XXI of the Code of Civil Procedure. After one year this petition is filed on 14/10/2019 challenging the registration and the issuance of notice. The certified copy of the notice is said to have been received by the petitioners in July 2019.

2. The learned Advocate for the petitioners strenuously submits that the compliance of Rule 107 of the Maharashtra Cooperative Societies Rules 1961

and Section 137 have not been followed by the Registrar. It is contended that the learned Civil Judge Senior Division, Ahmednagar would not have the jurisdiction to decide the Darkhast proceedings.

3. I find that the supervisory jurisdiction of this Court is restricted and limited in view of the law laid down by the Honourable Apex Court in the matters of ***Syed Yakoob vs K.S. Radhakrishnan & Others, 1964 AIR 477 and Surya Dev Rai v. Ram Chander Rai 2003 6 SCC 675.***

4. So also, the petitioner can raise all objections before the executing Court and such objections will have to be dealt with by the executing Court. The petitioners can, therefore, proceed to invoke Order XXI for raising objections. More than one year has already lapsed from the date of issuance of notice.

5. In view of the above, this petition is disposed off considering the remedy available to the petitioners.

(RAVINDRA V. GHUGE, J.)

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