

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10175 OF 2019

MANGALABAI PANDURANG PATIL AND OTHERS
VERSUS
GODAWARI URBAN CO OPERATIVE BANK LTD NANDED THROUGH
MAIN BRANCH MANAGER AND OTHERS

Mr.A.D.Hande, Advocate for the petitioners.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 05/11/2019

PER COURT :

1. The petitioners are aggrieved by the order dated 06/11/2015 passed by the Co-operative Court, Nanded and the judgment delivered by the Maharashtra State Co-operative Appellate Court dated 24/07/2018. The petitioners are the original respondents in CCN No. 112/2007 before the Co-operative Court. They are held liable to repay an amount of Rs. 4,13,382/- with interest @ 18 % per annum on Rs. 2,79,715/- from 28/02/2007.

2. I have considered the submissions of the learned Advocate for the petitioners. Respondent No.1 bank has issued a notice to the petitioners to repay the total amount of Rs. 20,58,951/- on or before

23/10/2019. Failure to do so, would lead to the attachment of the property.

3. Having considered the submissions of the learned Advocate for the petitioners, I do not find that the petitioners have put forth any explanation as regards the repayment of the loan amounts. The only argument that might call for consideration is as to whether the bank has correctly calculated the interest, which makes the amount of Rs. 20,58,955/- recoverable.

4. The petitioners submit that respondent No.1/Bank has issued a notice dated 23/10/2019 calling upon the petitioners to repay the entire amount of Rs.20,58,951/- within 15 days. Copy of the said notice is taken on record and marked as "X" for identification. The said period would expire on 07/11/2019.

5. I proposed to the learned Advocate for the petitioners that if the petitioners deposit an amount of Rs.5,00,000/- with respondent No.1 on or before 07/11/2019 and a further amount of Rs.5,00,000/- on or before 20/11/2019, I would consider granting some protection to the petitioners only to the extent of the issue raised by the petitioners that the total recoverable amount is not properly calculated by

respondent No.1.

6. The learned Advocate for the petitioners sought a pass over and the matter was called out at 5.15 p.m. It is now submitted that the petitioners are prepared to deposit an amount of Rs.5,00,000/- only till 20/11/2019. It is submitted that beyond Rs.5,00,000/-, she is not able to deposit any amount. The immovable property is an open plot.

7. Considering the above, I do not find that this Court would cause any indulgence in this matter, considering the Law laid down in Shewalkar Developers Ltd., Nagpur Vs. Rupee Co-operative Bank Ltd., Pune, [2016(1) Mh.L.J.382]. This petition is, therefore, dismissed.

(Ravindra V.Ghuge, J.)