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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 847 OF 2017

Sau. Deepa Chandrashekhar ShettyPetitioner
through Power of Attorney

V/s.

The Special Recovery Officer and othersRespondents

Mr. V. B. Rajure for the Petitioner
Mr. Pradeep D. Dalvi for respondent nos. 1 & 2
Mr. S. D. Rayrikar AGP for respondent no. 3

CORAM : NITIN W. SAMBRE, J.

DATE : JUNE 3, 2019.

P.C.

The recovery certificate issued under Section 101 of the Maharashtra Co-operative Societies Act, 1960 (Hereinafter referred to as 'the said Act') against the dead person appears to be subject matter of challenge in Revision Application No. 9 of 2015 before the Joint Registrar, Co-operative Societies under the provisions of Section 154 of the said Act.

2 The said Revision came to be dismissed on 05/05/2016 for non compliance of condition of mandatory deposit of 50% amount prescribed under sub-Section 2 of Section 154 of the said Act.

3 The learned counsel for the petitioner has invited attention of this Court to the fact that the amount of Rs. 3,50,000/- was deposited with the respondent-society through demand draft dated 22/06/2015 on 29/06/2016 i.e. after Revision came to be dismissed. According to him, since there is compliance of deposit, Revision be directed to be restored and be decided on merit.

4 *Per contra* the learned counsel for the respondent invites attention of this Court to the fact that claim in the recovery certificate is already satisfied by the guarantor.

5 Be that as it may, since the petitioner is questioning liability to repay the amount, having regard to the fact that the amount of Rs. 3,50,000/- was deposited by the petitioners vide demand draft dated 22/06/2015 on 29/06/2015 with the respondent-society, it will be appropriate in my opinion to record satisfaction as regards

compliance of condition of deposit under sub-Section 2 of Section 154 of the said Act.

6 That being so, the order impugned dismissing the revision passed on 05/05/2016, in my opinion is not sustainable and is accordingly quashed and set aside.

7 Revision stood restored to file of Joint Registrar, Co-operative Societies, Kolhapur before whom the parties agree to appear on 22/07/2019 at 11.00 a.m. As such, the issuance of notice to the parties to the said revision who have appeared before this Court is hereby dispensed with.

8 Revisional Authority is expected to decide the revision on its own merits without being influenced by the findings recorded herein above.

9 The petition stands partly allowed in the above terms.

[NITIN W. SAMBRE, J.]