

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

WRIT PETITION NO. 7003 OF 2017

Smt. Vimal Ramchandra Ghewari
& Ors.

.. Petitioners

Vs.

Dr. Annasaheb Chougule Urban
Co-operative Bank Ltd. & Ors.

.. Respondents

Mr. Pradeep S. Gole I/b Mr. Ajit J. Kenjale for petitioners.

Mr. A.B. Kadam, AGP for State.

CORAM : N.J. JAMADAR, J.

DATE : 11TH JULY 2019

P.C.

1. Heard the learned counsel for the petitioners.
2. This petition takes exception to the order dated 7th March 2017 passed by the Divisional Joint Registrar, Konkan Division, whereby the Divisional Joint Registrar refused to entertain the revision preferred by the petitioners under Section 154 of the Maharashtra Co-operative Societies Act, 1960, *inter-alia*, opining that the subject matter was beyond the territorial jurisdiction of the said Divisional Joint Registrar. The Revision Application was thus returned for presentation to the proper authority.
3. The grievance of the petitioners is that they had initially assailed attachment notice dated 10th February 2017, issued pursuant to recovery

certificate granted under Section 101 of the Maharashtra Co-operative Societies Act, 1960 ('The Act, 1960') before the Divisional Joint Registrar, Kolhapur. However, the said authority had also returned the revision petition on the ground that the property sought to be attached, was situated within the jurisdiction of Sindudurga District.

4. The petitioners, in substance, assail the attachment notice issued on 10th February 2017 on the ground that the property sought to be attached thereunder is not liable to the attachment. Evidently, the petitioners do not profess to challenge the recovery certificate granted under Section 101 of the Act, 1960.

5. In the circumstances, the appropriate remedy for the petitioners is to raise objection to the attachment of property in terms of Sub-rule (19) of Rule 107 of the Maharashtra Co-operative Societies Rules, 1961. The question as to whether the authorities were justified in refusing to entertain the revision pales in significance if the real nature of the dispute sought to be raised by the petitioners is considered.

6. In this view of the matter, the petition does not deserve to be entertained by this Court in exercise of the extraordinary jurisdiction under Article 227 of the Constitution of India.

7. The petition, therefore, stands dismissed with liberty to the petitioners to raise objection to the attachment of the property in terms of Sub-rule (19) of Rule 107 of the Maharashtra Co-operative Societies Rules, 1961, as permissible in law, if the property has yet not been sold in execution of the recovery certificate.

(N.J. JAMADAR, J.)