

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

WRIT PETITION NO. 9812 OF 2016

Maruti Babu Katare ... Petitioner
V/s.
Smt. Vimal Bandopant Kulkarni ... Respondent

Mr. Kamlesh Mali, for the Petitioner.
Mr. Pratap Patil, for the Respondent.

**CORAM : A. S. GADKARI, J.
DATE : 28th JUNE, 2019.**

P.C.:-

1] The Order impugned dated 17th February, 2016 herein is passed by the Divisional Joint Registrar, Co-operative Societies, Kolhapur Division, Kolhapur in Appeal No.1/2015 under section 18(4) of the Maharashtra Money Lending (Regulation) Act, 2014 (for short 'said Act').

The said appeal was preferred against the Order dated 30th May 2015 passed by the learned Deputy Registrar, Co-operative Societies Sangli, under section 18(2) of the said Act.

2] Perusal of the impugned Order will indicate that, the Divisional Joint Registrar has simply concurred with the findings recorded by the Deputy Registrar. It further appears that, the Divisional Joint Registrar has not re-appreciated the evidence available on record while forming its own opinion. It was expected that the Divisional Joint Registrar Co-operative Society being the first Appellate Authority ought to have re-appreciated the entire evidence

available on record and arrived at its own conclusion, instead of simply recording concurrent finding in the clause of conclusions.

3] In view thereof, the impugned Order dated 17th February 2016 passed by the Divisional Joint Registrar Co-operative Societies, Kolhapur Division, Kolhapur, passed in Appeal No.1/2015 is hereby set aside and the said Appeal No.1/2015 filed under section 18(4) of the Maharashtra Money Lending (Regulation) Act, 2014 is hereby remanded to the concern Authority i.e. Divisional Joint Registrar.

The Divisional Joint Registrar, Co-operative Societies, Kolhapur, shall decide Appeal No.01/2015 on its own merits without being influenced by the Orders passed by this Court or by the Deputy Registrar Co-operative Societies, Sangli.

4] Petition is partly allowed in aforesaid terms.

All the concerned to act on authenticated copy of this Order.

(A.S. GADKARI, J.)