

SAS

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7360 OF 2019

Mrs.Hemali Nainesh Gosalia	..Petitioner.
V/s.	
Bhagoyada CHSL & Ors.	..Respondents.

WRIT PETITION NO.7366 OF 2019

Mrs.Hansa Chandrakant Gosalia	..Petitioner.
V/s.	
Bhagoyada CHSL & Ors.	..Respondents.

Mr.Raghavan Sarathy with Prachi Kolambekar, Nikhil Waje I/b.
Thodur Law Associates for the petitioner in both petitions.

Mr.R.P.Kadam, AGP for respondent Nos.2 & 3.

CORAM: NITIN W.SAMBRE, J.

DATE : JULY 9, 2019

P.C.:-

Heard learned counsel for the petitioner.

2. The petitioners are facing proceedings for recovery under section 101 of the Maharashtra Co-operative Societies Act, 1960 ('the Act' for short) which according to them are initiated with malafide intention. The contention of the petitioners, are the proceedings initiated under section 101 of the Act are barred by

limitation and rule Damdupat can also be applied in a case of recovery under section 101 of the Act.

3. In my opinion, both these issues can be gone into before the Registrar before whom the proceedings are pending. The petitions as such are mis-directed. Both the petitions, therefore, are dismissed.

(NITIN W.SAMBRE, J.)