

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.140 OF 2019

Sambahji Appaji Hodage.] ... Petitioner

Versus

The State of Maharashtra & Anr.] ... Respondents

ALONG WITH

WRIT PETITION NO.149 OF 2019

Shivaji @ Raghunath Appaji Hodage.] ... Petitioner

Versus

The State of Maharashtra & Anr.] ... Respondents

Mr. Datta H. Pawar for Petitioners.

Ms. S. S. Bhende, AGP for State .

Mr. Ashutosh M. Kulkarni, Amicus Curie.

Mr. Tejesh Dande a/w Mr. Vishal Navale i/b Tejesh Dande & Associates for Liquidation Committee.

CORAM :- INDRAJIT MAHANTY &
SARANG V. KOTWAL, JJ.

DATE :- 01 MARCH, 2019

P. C. :-

1. Heard the learned Counsel for the Petitioner as well as the learned Counsel for Respondent No.2 – Credit Society.

2. By virtue of sanction letter dated 18/10/2013 of Liquidation Committee of the Respondent No.2, directions have been issued to the Petitioner to make necessary deposits. The learned Counsel for the Petitioners asserts that due to various reasons of ill-health as well as surgical operation, the Petitioners were not in a position to comply with the said directions and the situation was beyond their control. He places reliance on a Judgment of Division Bench of this Court rendered in Writ Petition No.4185 of 2018 dated 16/04/2018 (Coram : A. A. Sayed & Ravindra V. Ghuge, JJ.) whereby this Court, considering the similar situation that arose for consideration, permitted the Petitioner to furnish a fresh proposal under the Deposit Matching Scheme which shall be considered by the Liquidation Committee on its own merits. The Respondent No.2 has no objection if similar order is passed.

3. Therefore, the Petition is disposed of granting liberty to the Petitioners to make necessary application before the Liquidation Committee within a period of two weeks from today and if any such application is filed, it shall be open for the Liquidation Committee to consider both the representation of the Petitioners as well as the stand

of the opposite party through Credit Society and arrive at a amount which is acceptable to both the parties as per the Deposit Matching Scheme.

4. Writ Petitions stand disposed of.

(SARANG V. KOTWAL, J.)

(INDRAJIT MAHANTY, J.)