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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1273 OF 2019**

Mr. Ghanshyam Dwarkadas Goindani Petitioner.

V/s

Divisional Joint Registrar Cooperative
Societies, Pune Division at Pune
and Others Respondents.

Mr. Girish Godble I/b Ms. Ketki Gadkari for the Petitioner.

Mr. S.H. Kankal for Respondent No.1.

Mr. S.R. Nargolkar for Respondent-Bank

Mr. Vijay Patil for Respondent No.3 (Recovery Officer)

CORAM: NITIN W. SAMBRE, J.

DATE: 4th July, 2019

P.C.:-

1] The Petitioner, whose property was mortgaged with Respondent-Bank, has questioned the order dated 8th September, 2018 before Divisional Joint Registrar, Co-operative Societies, Pune in Revision Application No. 237 of 2018 preferred under Section 154 of the Maharashtra Co-operative Societies Act. The said Revision came to be dismissed by the order impugned. As such, this Petition.

2] Mr. Godbole, learned Counsel appearing on behalf of the Petitioner, made two-fold submission. The first limb of submission is, the Revision is dismissed for want of certified copy of the order dated 8th September, 2018 whereby the property of the Petitioner in question was sealed. According to him, it is for the Respondent-Bank and Recovery Officer to furnish certified copy of the same. As such, Revision ought not to have been dismissed. He therefore submitted that the Respondents be directed to furnish copy of the said order of sealing of the property of the Petitioner. The second limb of submission is, two properties of the Petitioner viz. Shop Block where the Hotel is being run and residential property, are sealed. According to him, value of the residential property is sufficient enough to satisfy the debt, as against the recovery certificate issued against the borrower.

3] Both these contentions are disputed by the learned Counsel for the Respondents, as, according to them, the Restaurant in question is managed by some third person, who has voluntarily surrendered possession of Shop Block/Restaurant to the Respondent-Bank. It is

the contention of Respondents that value of the residential property is not sufficient enough to satisfy outstanding amount as on the date.

4] So far as aforesaid contentions are concerned, Mr. Patil, learned Counsel for Respondent No.3 - Recovery Officer, submitted that Panchanama drawn by Respondent No.3 of sealing the Shop Block will be made available to the Petitioner within a period of one week from today. Since the submission is made on instructions, the same is accepted.

5] So far as the second submission as regards value of the residential property is concerned, this Court need not go into the said issue as it was not an issue, which fell for consideration before the authority below. As such, Petition stands dismissed.

(NITIN W. SAMBRE, J.)