

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 2031 OF 2016

Tarabai wd/o Durvechandra Dangale
 ..VS..
 State of Maharashtra and others.

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

 Shri J.C. Shukla, Advocate for petitioner.
 Shri A.M. Balpande, Assistant Government Pleader for respondent
 No. 1 & 2.
 Shri G.N. Khanzode, Advocate for respondent No. 3.

CORAM : A.S. CHANDURKAR,J.
DATED : 12th JUNE, 2019.

. The petitioner has sought to challenge the Recovery Certificate which has been issued by the respondent No. 2 in favour of the respondent No. 3 – creditor. The principal ground of challenge as sought to be raised by the petitioner is that the signature obtained on various documents by the respondent No. 3 – creditor while advancing the loan to her husband were not of the petitioner. The signatures in question are stated to be fabricated and without considering that aspect the respondent No. 2 proceeded to issue the Recovery Certificate. Moreover, the Recovery Certificate is also undated.

2. Shri G.N. Khanzode, learned counsel for the respondent No. 3 states that he has no instructions in the matter.

3. The contention that the signatures of the petitioner and the guarantor are fabricated requires factual adjudication and the same cannot be adjudicated in writ jurisdiction. It is to be noted that the petitioner has failed to avail the statutory remedy which is provided under Section 154(2) of the Maharashtra Co-Operative Societies Act, 1961. It is for the petitioner to avail such remedies as are permissible in law wherein such disputed question can be raised and decided. Hence, I am not inclined to entertain the writ petition. With liberty to the petitioner to avail such remedies as are permissible in law, the writ petition is disposed of.

JUDGE

Prity G.