

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

MISC. CIVIL APPLICATION (REVIEW) NO.766 OF 2019
IN
MISC. CIVIL APPLICATION (REVIEW) NO.997 OF 2018 (D)
IN
WRIT PETITION NO.629 OF 2007 (D)

Maharashtra State Cooperative Bank Ltd. Thr. Its Manager, Mahal Nagpur

-vs-

State of Maharashtra, Thr. The Secretary, Dept. of Handlooms, Powerloom and Textiles,
Mantralaya, Mumbai and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri M. V. Samarth, Advocate for applicant.
Shri Amit Balpande, Assistant Government Pleader for
respondent No.1.
Shri Girish A. Kunte, Advocate for respondent No.2.
Shri P. D. Meghe, Special Counsel for respondent No.3.

CORAM : A.S.CHANDURKAR, J.
DATE : July 29, 2019

Heard the learned counsel for the applicant and perused the grounds raised in support of the review application. After hearing the learned counsel for the applicant, I am not inclined to exercise review jurisdiction for two reasons. Firstly, a review has been sought of the order dated 18/03/2019. This order was passed on the review application that was moved by the respondent No.3 herein. On principles analogous to the provisions of Order XLVII Rule 9 of the Code of Civil Procedure, 1908, a further review application would therefore not be maintainable. Though it is submitted that the earlier review application was filed by the respondent No.3, the said principle would

however apply.

It is then urged that in view of the provisions of Section 109 of the Maharashtra Cooperative Societies Act, 1961 as it was not permissible for the Liquidator to have continued beyond the period of ten years, the subsequent actions as taken are illegal. This contention was not raised by the applicant herein when the writ petition was decided on 05/05/2018 and when the order dated 18/03/2019 was passed. Hence that ground cannot be permitted to be raised for the first time in this application. Though the learned counsel has relied upon the decisions in *Shivnarayan Motilal Darak vs. R. A. Zubairy* 1971 MhLJ 742, *Krishnanath A. Prabhu Desai vs. State of Goa and ors.* 2007(6) MhLJ 106, *Shyamsundar vs. Lokesh Chandra and ors.* 2011(2) MhLJ 432, and *Riyazuddin Ahmed vs. Abdul Rub and ors.* MANU/MH/1291/2019 in support of his submissions, for aforesaid reasons I am not inclined to exercise review jurisdiction.

The Misc. Civil Application is rejected.

The request made on behalf of the applicant for postponing the disbursement of the amount in terms of the order dated 18/03/2019 for a period of four weeks stands rejected for aforesaid reasons.

JUDGE