

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

913 WRIT PETITION NO.546 OF 2020

VINODRAJ RAMNARAYAN MANIYAR AND ANOTHER
VERSUS
JALGAON JANTA SAHAKARI BANK LTD AND OTHERS

...
Advocate for Petitioners : Mr. Khande Avinash A.

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CORAM: ROHIT BABAN DEO, J.

Date: JANUARY 10th, 2020

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PER COURT :-

1 The petitioners are challenging the order dated 5.9.2019, rendered by the Maharashtra State Co-operative Appellate Court, Mumbai, Aurangabad bench, whereby and where-under the application preferred by the petitioners for stay to the Judgment of the Cooperative Court is disposed of.

2 It is observed in the order impugned that the appeal is fixed for final arguments. Notwithstanding that the appeal was fixed for final arguments, as a last chance, the learned counsel for the petitioners – appellants in the said appeal, insisted that the application for stay be heard and decided. It is in this view of the matter that the learned Judge of the appellate Court declined to hear and decide the stay application.

3 Even *de-hors* the reasons recorded by the learned Judge of the appellate Court, on consideration of the Judgment of the Cooperative Court, I am satisfied that no case for grant of

interim order is made out.

4 In so far as petitioner No.1 – who was impleaded as opponent No.7, the Judgment of the Cooperative Court, does not fasten any liability against him. In so far as petitioner No.2 – opponent No.9 is concerned, a categorical finding of fact is recorded that he stood guaranty for the loan obtained by opponent No.1. The learned counsel for the petitioners would submit that the opponent – petitioner No.1, opponent No.7 is really aggrieved by the finding recorded by the Judgment of the Cooperative Court that he was a Director of the opponent No.4 at the relevant time. The learned counsel for the petitioners would submit that the same finding may come in the way of the petitioner No.1 – opponent No.7 in a separate litigation concerning other loan.

5 The finding recorded by the Cooperative Court shall undoubtedly be revisited in appeal. I do not therefore, find any reason why such an apprehension, as is expressed, is nurtured.

6 I do not see any reason to exercise writ jurisdiction.

7 The petition is dismissed.

(ROHIT BABAN DEO, J)