

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3722 OF 2018

M/s.K.Shanti Seeds & Pesticides Co.
Through its Prop. Mala Ketan Parekh
& Ors.

..Petitioners

V/s.
The State of Maharashtra
Through its Secretary & Ors.

..Respondents

Ms.M.S. Bane, AGP for the Respondent Nos.1 to 5-State.

Mr.Kunal Damale i/b Mr.Hemant Ghadigaonkar for Respondent
No.7.

CORAM : C.V. BHADANG, J.

DATE : 16th JANUARY 2020

P.C.

1. None for the petitioner.

2. The record shows that on 21st November 2019 also there was no appearance on behalf of the petitioner. On 12th December 2019 the learned counsel for the petitioners had reported that he had no instructions and the matter was adjourned today, to enable the counsel to issue a formal notice and seek discharge, if necessary.

3. The record indicates that the petitioner has challenged the grant of the Recovery Certificate Under Section 101 of the Maharashtra Co-operative Societies Act. The learned counsel for respondent No.7 points out that the petitioner has alternate remedy of preferring a revision against the same. That apart the record also discloses that the petitioner has initially made a statement that he will deposit 25% of the amount which was not deposited. Hence the ad-interim relief granted has been vacated. Lastly, this Court has recorded in the order dated 06th June 2018 that the impugned order is subject matter of the challenge in the suit filed by the petitioner before the Small Causes Court, Pune. In such circumstances the petition is dismissed for want of prosecution, with no order as to costs.

4. This Court has not expressed any opinion on the availability or the merits of the remedy of the civil suit before the Small Causes Court.

C.V. BHADANG, J.

**Nilam
Kamble**

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Nilam Kamble
Date: 2020.01.17
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