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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 11823 OF 2016

Ram Kishor Prasad ... Petitioner
Vs.
The State of Maharashtra & Anr. ... Respondents

Mr. Tapan Agrawal i/b Vishwakarma & Associates, for the Petitioner.

Mr. S. D. Rayrikar, AGP for Respondent No. 1.

Mr. R. B. Mokashi, for Respondent No. 2.

CORAM : C. V. BHADANG, J.

DATE : JANUARY 8, 2020

PC :

1. Heard learned counsel for the parties. Petitioner is having a shop on the ground floor and there is a flat situated on the first floor above the shop. Petitioner complained to the Society that there is a leakage in the shop and requested for carrying out repairs. Learned counsel for the Petitioner pointed out that the Society and the flat owner were refusing to carry out the repairs. It is pointed out that the Society was claiming that it is for the flat owner to carry out the repairs, the flat owner claimed that the Society should carry out the repairs. In such circumstances, the Petitioner carried out repairs to the shop, which gave rise to a dispute between Society and the Petitioner. Society filed an application for recovery certificate under S. 101 of the Maharashtra Co-

operative Societies Act, 1960 and the District Deputy Registrar by an order 19.11.2019 has granted recovery certificate in the sum of Rs. 2,40,200/-.

2. On 18th December, 2019 learned counsel for the Petitioner has made a statement that Petitioner shall pay Rs. 2 lakh to the Respondent by a demand draft. Today, learned counsel for the Petitioner states that a cheque for Rs. 2 lakhs shall be handed over to the counsel of Respondent No. 2. The statement so made is accepted. Learned counsel for the Petitioner further submits that the Petitioner is willing to settle the matter with the Society.

3. Having heard the learned counsel for the parties and looking to the limited scope of the summary inquiry, which is contemplated under S. 101 of the Act, no case for interference is made out. In the result, the writ petition is dismissed with no order as to costs. Needless to mention that if an offer is made by the Petitioner to the second Respondent for amicable settlement, it will be open for the second Respondent to consider the said proposal on its own merits.

Sd/-
C. V. BHADANG, J.

Vinayak Halemath

**Vinayak
P.
Halemath**

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by Vinayak P.
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