

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

915 WRIT PETITION NO.3091 OF 2021

ATUL DINESH KULKARNI

VERSUS

PRAVARA SAHAKARI BANK LIMITED LONI AND OTHERS

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Advocate for Petitioner : Mr. Sant Kishor C.

AGP for Respondents-State : Mr. K. B. Jadhavar.

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CORAM : V. K. JADHAV, J.

DATE : 17.02.2021

PER COURT :-

1. Heard the learned counsel Mr. Sant for the petitioner at length.
2. The petitioner is the borrower and respondent Nos.5 and 6 are guarantors to the loan obtained from respondent No.1-bank. The learned counsel submits that the petitioner is suffering from tongue cancer and due to health issue he has committed the default in paying the loan amount. Though the petitioner wrote several letters to respondent-bank and requested for settlement by dispensing with the interest amount, however, respondent No.1 has not paid any heed to his request. Respondent No.3 has issued the recovery certificate

under Section 101 of the Maharashtra Co-operative Societies Act, 1960 and Rules 1961. Being aggrieved by the same, the petitioner has filed the revision application under Section 154 of the Maharashtra Co-operative Societies Act, 1960 before respondent No.4, however, respondent No.4 has refused to register and entertain the revision application only on the ground that the petitioner has not deposited 50 % of due amount.

3. The learned counsel for the petitioner, on instructions, submits that the petitioner is not in a position to deposit the amount out of the due amount before this Court. In view of the above, there is no reason to consider this Writ Petition. Hence, I proceed to pass the following order :

ORDER

- (i) Writ Petition is hereby dismissed.
- (ii) Needless to say that if the revision preferred by the petitioner was not accepted and registered, the petitioner is at liberty to prefer the revision, if so desired with the requisite compliance.

(V. K. JADHAV, J.)

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vmk/-