

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

WRIT PETITION NO. 7837 OF 2021

Suresh Ramrao Chavan
and another

.. Petitioners

Versus

The Assistant Registrar,
Co-operative Societies and others

.. Respondents

Mr. Panditrao S. Anerao, Advocate for the Petitioners.

Mr. A. R. Kale, AGP for Respondent No. 1.

Mr. V. B. Garud, Advocate for respondent Nos. 2 & 3.

**CORAM : S. V. GANGAPURWALA &
 R. N. LADDHA, JJ.**

DATED : 29th September, 2021.

PER COURT:-

. Heard Mr. Anerao, learned counsel for the petitioners and Mr. Garud, learned counsel for respondent-bank.

2. The learned counsel for the petitioners submits that the petitioners are not disputing the recovery certificate. Because of Covid-19, the business of the petitioners was at loss. Time is solicited by the petitioners of six months for paying the amount as per the prayer clause.

3. Mr. Garud, learned counsel submits that more than Rs. 25,00,000/- (Rs. Twenty Five Lakh only) is to be recovered from the petitioners. The recovery certificate is issued in February 2021. The petitioners have not paid the amount.

4. As it is contended that the petitioners are not disputing the recovery certificate, we are not going into the merits of the same. The petitioners are seeking time to make payment of six (06) months. The petition is filed in July 2021. The petitioners have deposited an amount of Rs. 5,00,000/- (Rs. Five Lakh only) as directed by this Court under order dated 19.07.2021 though belatedly.

5. Considering the limited prayer made and the Covid-19 factor, so also the bonafides shown by the petitioners by depositing Rs. 5,00,000/- (Rs. Five Lakh only), we direct that for a period of four (04) months from today the bank shall not execute the recovery certificate and the petitioners shall pay remaining amount within a period of four (04) months from today.

6. In case, the petitioners do not pay the amount within a period of four (04) months, the respondents, naturally will be entitled to execute the recovery certificate. Till the period the petitioners do not pay the amount, the petitioners shall not sale their property to anyone, nor

shall create third party interest of whatsoever nature.

7. The bank is entitled to withdraw the amount deposited by the petitioners and the same shall be adjusted in the amount outstanding.

8. Writ petition is disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.