

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

990 WRIT PETITION NO.7668 OF 2021

SASHIKANT GANGADHARRAO PAWAR
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS DIVISIONAL JT. REGISTRAR AND OTHERS

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Advocate for Petitioner : Mr. Vinod Prakash Patil.

AGP for Respondent/State: Mrs. M. A. Deshpande.

Advocate for Respondent Nos.3 & 4 : Mr. S. H. Tripathi.

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

DATE : 07th September, 2021.

P.C.:

. There are disputed question of facts involved in the present writ petition. It would not be possible to enter into the disputed question of facts as to whether the petitioner has cleared the loan account or the amount is outstanding. The prayer is made to adjust the share capital amount. By-law 49 is resorted to by the respondents to contend that if there are dues outstanding, the member cannot resign and until the member resigns the share amount cannot be adjusted.

2 If the petitioner claims that the entire amount has been paid, the petitioner can demonstrate the same before the revisional authority or to take up such proceeding as may be permissible under law before appropriate forum.

3 With these observations, the writ petition is disposed of.
No costs.

4 The protection granted by this Court shall continue for seven days from today. Needless to state that on lapse of seven days, the protection granted shall come to an end.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

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