

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.1689/2021

Avinash Maroti Raut

..VS..

The Akola District Central Co-op Bank Ltd., Branch Telhara, Taluka Telhara,
District Akola, thr. Its Branch Manager and ors

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

.....
None for the petitioner.

Shri K.L.Dharmadhikari, AGP for respondent No.4.

CORAM : V.M.DESHPANDE J.

DATED : APRIL 29, 2021.

1. Learned counsel Shri P.S.Gawai for the petitioner is absent. Respondent No.4 is represented by learned AGP Shri K.L.Dharmadhikari.

2. By this writ petition, the petitioner is challenging recovery certificate dated 11.2.2021 issued under Section 101 of the Maharashtra Co-operative Societies Act, 1960 by respondent No.4.

3. Against this, there is a statutory remedy under Section 154 of the said Act. Under sub-section 2(A) of Section 154 of the said Act revision cannot be entertained unless 50% amount of the recovery certificate is deposited. It appears that the present petition is filed to circumvent the said provision. This writ petition was listed before this Court on 27.4.2021 and when this question arose, learned counsel for the petitioner submitted that the matter be adjourned to

seek instructions from the petitioner as to whether he is ready to deposit the amount in this Court or not. Upon that, though time was granted to the petitioner, it was observed that if learned counsel for the petitioner remains absent, it will be presumed that the petitioner is not ready to deposit the amount and the Court will proceed with the matter in accordance with law.

4. Today, learned counsel for the petitioner is absent. There is no request on his part for adjournment.

5. In view of the aforesaid and in the light of order dated 27.4.2021, I am of view that in view of specific provision under the said Act, which is equally efficacious remedy, this writ petition is required to be dismissed

6. The writ petition is dismissed and disposed of accordingly.

JUDGE

!! BRW !!

...../-