

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

**CIVIL APPLICATION NO.678 OF 2022
IN WP/594/2012 WITH CA/6070/2020 IN WP/594/2012**

**THE SPECIAL RECOVERY OFFICER, THE MAHARASHTRA STATE CO-OP
HOUSING FINANCE LTD. AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS**

...
Advocate for Applicants : Mr. Nikam Anup R.
Advocate for Respondent : Mr. S.B. Gastagar
...

CORAM : MANGESH S. PATIL, J.

DATE : 21.06.2022

PER COURT :

This is an application by the respondent - Corporation from the Writ Petition seeking withdrawal of the amount of Rs.35000/- deposited by the original petitioner (respondent No.5 in this Application) pursuant to the interim relief granted by the order dated 19.01.2012.

2. I have heard the learned advocates of both the sides. In fact the writ petition stood dismissed by the order dated 23.11.2016 and even today learned advocate Mr. Gastagar for the petitioner submits that the petitioner would apply for restoration of the Writ Petition. The fact remains that for last 6 years, no steps have been taken by the petitioner to get the Writ Petition restored.

3. Be that as it may, the petitioner in the Writ Petition is challenging the recovery certificate issued under the Co-operative Society

Act. While granting interim relief, as a conditional precedent, he was directed to deposit the amount of Rs.35,000/- which is lying in this Court.

4. In view of such state of affairs, it would be appropriate to allow the applicant - Corporation to withdraw the amount subject to usual undertaking to get back the money if and when directed in future together with interest.

5. The Application is allowed and disposed of. Pending Civil Application No.6070/2020 is also disposed of.

(MANGESH S. PATIL, J.)

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