

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.14911 OF 2021

NAMDEO PAULAD PATIL AND OTHERS
VERSUS
THE DIVISIONAL JOINT REGISTRAR CO-OPERATIVE SOCIETIES AND
OTHERS

Mr.U.S.Patil, Advocate for the petitioners.
Mrs.P.V.Diggkar, AGP for State.

(CORAM : BHARATI H. DANGRE, J.)

DATE : JANUARY 10, 2022

PER COURT :

1. Heard the learned counsel for the petitioners, who are aggrieved by the order passed by the Divisional Joint Registrar, Co-operative Societies, Nasik on 12/02/2020, when he has rejected the application for stay and scheduled the hearing of the revision application in the month of June 2020.

2. The petitioners are the borrower and the guarantor respectively, who have obtained loan from respondent No.3/Bank, which resulted in issuance of recovery certificate against the petitioners by respondent No.2. The recovery certificate is issued on 19/05/2018 against which

the revision application has been preferred alongwith an application for condonation of delay. The time was sought on behalf of the Bank in the said proceedings and it is specific submission of the learned Counsel for the petitioners that the petitioners have deposited 50% of the amount recoverable from them in the revision application. However, since the application for stay is rejected, they have approached this Court.

3. It is pertinent to note that the revision application is filed in the year 2019 and it is pending before the Divisional Joint Registrar, Co-operative Societies/respondent No.1 Nasik since then. During the pendency of the application, respondent No.2 / Assistant Registrar, Co-operative Societies, Jalgaon has issued notice to the petitioners for obtaining possession.

4. The said order, in any case, cannot be implemented since the Higher Authority i.e. the Divisional Joint Registrar, Co-operative Societies, in seisin of the revision application.

The interest of the petitioners would be better served, if respondent No.1 is directed to decide the revision application No. 144/2019, pending before him within a period of 4 weeks from today,

after affording necessary opportunity to the contesting parties.

Needless to state that since the final orders are passed by respondent No.1, respondent No.2 shall not give effect to the notice dated 28.12.2021. With the aforesaid directions, writ petition is disposed off. The learned AGP to communicate this order to respondent Nos. 1 and 2.

(BHARATI H. DANGRE, J.)