

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4160 OF 2017

Bharat Sukaji Jadhav & Anr.

...Petitioners.

Versus

The Divisional Joint Registrar
Co-operative Societies & Ors.

...Respondents

Mr. B.G. Sagade, Advocate for the petitioners.

Mr. Y.G. Gujarathi, AGP for State.

Mr. K.J. Suryawanshi, Advocate for respondent No. 3 and 4.

Mr. Omprakash Totawad h/f. Mr. C.R. Thorat, Advocate for
respondent No 5.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 14th SEPTEMBER, 2022

ORDER :

1. The petitioners have challenged the order passed by the Recovery Officer/respondent no. 3, issued under Rule 107 thereby attaching salary of petitioners and respondent no. 5 towards recovery of loan amount due as per the certificate issued under section 101 of the Maharashtra Co-operative Societies, Act, 1960 (for short 'said Act').

2. At the time of admission, a statement was made before this Court which is reflected in the order passed by this

Court on 30.03.2017 that, "the petitioners have filed Revision Application under Section 154 of the Maharashtra Co-operative Societies Act, 1960 (for short, the Act), challenging the Recovery Certificate issued by Respondent No. 2 under Section 101 of the Act. The learned counsel further submits that in the said revision, arguments are advanced and the matter is now reserved for Judgment in February 2017, but the decision is still awaited."

3. The learned advocate for respondent/bank states that, statement of the petitioner that while filing the revision application, the borrower has deposited an amount of Rs. 1,00,000/- with the creditor bank is also not correct and no such amount as is stated in the order is deposited.

4. Record indicates that certificate issued under section 101 of the said Act was never challenged by the petitioners. The petitioners challenged the order of attachment of immovable property of the petitioners passed by the recovery officer, under Rule 107, said revision is allowed subsequently.

5. Fact remains that at no point of time the petitioners have challenged the recovery certificate issued under section 101 of the said Act. It is thus clear from the record that, the petitioners have obtained interim relief by making incorrect statement and misleading the Court, the petitioners are therefore not entitled to any relief. The writ petition is dismissed.

[NITIN B. SURYAWANSHI, J.]