

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.8774 OF 2016

Laxman Soma Zanke

...Petitioner

Vs.

The Greater Bombay Sahakari Bank Ltd.
& Ors.

...Respondents

Mr. Prashant P. Kulkarni for the Petitioner.

Mr. P. R. Pujari, AGP for the Respondent-State.

CORAM : SHARMILA U. DESHMUKH, J.

DATED : 27 SEPTEMBER 2022.

P. C. :

Heard.

2. By this petition filed under Article 226 of the Constitution of India, the petitioner challenges the order dated 9/5/2013 passed by the learned Divisional Joint Registrar Co-operative Societies, Mumbai Division (Respondent No.3) in Revision Application No.409/2011, whereby the Revision Application of the Petitioner objecting to the order dated 1/11/2011 passed by the Special Recovery and Sales Officer was dismissed. By order dated 1/11/2011, the Special Recovery and

Sales Officer had dismissed the objection raised by the Petitioner to the attachment of the Petitioner's bank account.

3. Learned counsel for the petitioner assailed the impugned order on the ground that attachment of petitioner's account is contrary to law as the petitioner's account is pension account exempt from attachment under section 60(g) of the Civil Procedure Code, 1908.

4. Perused the impugned order of the learned Divisional Joint Registrar Co-operative Societies, Mumbai Division (Respondent No.3) and the documents on record.

5. A perusal of the copy of the Petitioner's Savings Bank Account No.42067 in the Bank of India reveals that in the said Account a sum of Rs.2,05,113/- was deposited on 9/4/2011. Apart from the said entry, there are other entries in the said Bank Account. According to the learned counsel for the Petitioner, the said amount of Rs.2,05,113/- is commuted value of pension which has been deposited by the Petitioner in the said account and hence said account amounts to pension account.

6. In my view, the Savings Bank Account No.42067 in the Bank of India is a regular Savings Bank Account of the Petitioner which has other entries apart from deposit of the commuted value of

the pension. The said Account is in existence since the time the Petitioner was in service and hence contention of the learned Counsel for the Petitioner that the said Savings Bank Account is a pension Account cannot be accepted.

7. It is not in dispute that the petitioner had obtained loan from Respondent No.1-Bank and has defaulted in repayment of the said loan amount, pursuant to which recovery application against the Petitioner was filed under section 101 of M.C.S. Act 1960 and recovery certificate was issued against the Petitioner. Only objection raised by the Petitioner is that the Savings Bank Account is exempted from attachment in view of section 60(g) of C.P.C. I have already observed that the said Account cannot be said to be a pension account of the Petitioner as it is an ordinary Savings Bank Account and therefore said account is not exempt from attachment.

8. Thus, I find no infirmity in the order passed by the learned Divisional Joint Registrar.

9. In view of the aforesaid, the Writ Petition is dismissed.

(SHARMILA U. DESHMUKH, J.)