

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9101 OF 2022

Mrs.Sunita Vijay Gawade and another. ... Petitioners.

V/s.

The Satara Sahakari Bank Ltd. And another. ... Respondents.

A.P.Stenson with Shivam Laturiya i/b. APS Law Associate
for the Petitioner.

Mr.Prithviraj S.Gole for Respondent No.1.

Ms.R.M.Shinde, AGP for the State.

SANJAY
KASHINATH
NANOSKAR

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CORAM : **NITIN JAMDAR AND
SHARMILA U. DESHMUKH, JJ.**

DATE : **8 September 2022.**

P.C. :

The Petitioner though has couched his prayer in wide terms, what the Petitioner seeks is to challenge the recovery certificate issued by the Bank under section 101 of the Maharashtra Co-operative Societies Act, 2018.

2. The Petitioner has remedy of revision against the recovery certificate, instead Petitioner has chosen to approached this Court. When the Petitioner sought interim relief, by order dated 23 March 2022, the Petitioner was directed to deposit an amount of

Rs.81,00,000/- stated to be entire dues, which the Petitioner has deposited and thereupon an ad-interim order was granted.

3. Considering the fact that the Petitioner has statutory remedy to file revision, we are not inclined to entertain this writ petition. As regards the amount deposited in this Court is concerned, considering the facts and circumstances of the case where recovery certificate is of 2018 and that no revision is filed and that by way of indulgence we are permitting the Petitioner to file revision, the amount deposited will have to be allowed to be withdrawn by the Respondent- Bank, however, on furnishing an undertaking.

4. Accordingly, we pass the following order:

- (i) The ad-interim order passed in this petition shall continue for a period of six weeks.
- (ii) The Respondent No.1 is permitted to withdraw the amount deposited in this Court upon furnishing an undertaking by the Chief Executive Officer of the Bank pursuant to a resolution of the Bank that in case any order is passed in favour of the Petitioner in the Revision Application which the Petitioner proposes to file, regarding return of the amount, the Respondent No.1- Bank, subject to its further remedies, would return the amount to the Petitioner without the Petitioner requiring to take any independent proceeding.

5. The learned counsel for Respondent No.1 states that in case any issue of delay in filing Revision Application arises, the Respondent No.1 would not take any objection.

6. All contentions of the parties are kept open.

7. Writ petition is disposed of accordingly

(SHARMILA U. DESHMUKH, J.)

(NITIN JAMDAR, J.)