

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

WRIT PETITION NO. 13053 OF 2022

Yeswant Laxman Sable ... Petitioner

Versus

The State of Maharashtra & Ors. ... Respondents

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Mr.Vipul J. Shah i/b. L.C. Tolat & Co. for the Petitioner.

Mr. V.S.Gokhale, 'B' Panel Counsel for the State.

Mr.Kirit Hakani with Ms. Niyati Mankad and Ms. Shreya Gosavi for
Respondent Nos. 3 and 4.

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

DATE : 17 NOVEMBER 2022

P.C. :

Heard the learned Counsel for the parties.

2. The Petitioner is a guarantor. There is recovery certificate issued against the Petitioner under section 101 of the Maharashtra Co-operative Societies Act, 1960. As regards the challenge to the certificate, the Petitioner has a remedy of the revision under the Act of 1960 which the Petitioner has availed of. As regards the deposit of the amount as per statutory mandate, it is the contention of the Petitioner that the Petitioner need not deposit the amount as the amount is due to the Petitioner from the Respondent -Bank and the same be waived. It is for the revisional authority to consider this

submission which the revisional authority not yet ruled upon. Therefore, we do not find it necessary to entertain the petition.

3. It is the contention of the Petitioner that the Petitioner has sought certain documents from the Respondent -Bank for which he has made an application to the revisional authority. It is for the revisional authority to consider the same on merits and pass appropriate order.

4. The writ petition is accordingly disposed of.

(SHARMILA U. DESHMUKH, J.)

(NITIN JAMDAR, J.)