

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7150 OF 2019

Mr.Sachin Sahebrao Bhandwalkar ...Petitioner
V/s.
Pune Urban Co. Op. Bank Ltd. & Ors. ...Respondents

Mr.Akshay A. Deshmuh for the Petitioner.
Mrs.V.S. Nimbalkar, AGP for the Respondent-State.
Ms.Manjiri S., Parasnis for Respondent Nos.1 and 2.

CORAM : C.V. BHADANG, J.

DATE : 7 OCTOBER 2022

P.C.

. The Petitioner is a guarantor of a loan granted by the Respondent Co-operative Society to Respondent No.7. The Respondent-Special Recovery Officer had passed an order dated 23 October 2017, attaching the salary of the Petitioner which order was challenged by the Petitioner in a Revision Application No.332 of 2018 before the Divisional Joint Registrar of Co-operative Societies, Pune. The Divisional Joint Registrar has rejected Revision Application by order dated 9 January 2019 which is subject matter of challenge in this Petition.

2. I have heard the learned counsel parties.

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3. In this case the order dated 23 October 2017 passed by the Special Recovery Officer is not produced on record. That apart a perusal of the impugned order dated 9 January 2019 shows that a statement was made by the Advocate appearing for the Petitioner that he has no instructions to proceed with the matter and therefore no submissions were made.

4. The learned counsel for the Respondent-Bank states that the impugned order has already been implemented she points out that as per Rule 107(6) of Maharashtra Co-Operative Societies Rules, 1961 and Section 60 of Code of Civil Procedure, such attachment can continue only for 24 months which period has already expired. She therefore, submitted that nothing survive in the Petition.

5. The learned counsel for the Petitioner states that an amount of Rs.12 Lakhs has been recovered from the salary of the Petitioner. He does not dispute that the charge has already implemented and the recovery is made. In that view of the matter, the Petition is disposed of as infructuous, with no order as to costs.

C.V. BHADANG, J.