

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 10471 OF 2021

Bhaichand Hirachand Raisonni Multi
State Co-operative Credit Society Ltd.
Through its Liquidator .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri S. P. Deshpande, Advocate h/f Shri A. S. Bayas, Advocate
for the Petitioner.

Shri S. G. Karlekar, A.G.P. for the Respondent Nos. 1 to 4.

Shri P. N. Jain, Advocate for the Respondent No. 5.

**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRADE, JJ.**

DATE : 21ST JUNE, 2023.

PER COURT :

1. The petitioner before us has already challenged the judgment of the District Consumer Forum dated 07.02.2019 by preferring a first appeal before the State Consumer Commission in Appeal Petition No. A-513/2019. The application for condonation of delay M. A. No. 226/2019 has also been filed. This aspect has been conveniently suppressed in this petition and there is no whisper that the first appeal has been lodged. This aspect has been brought to the notice of this Court vide the affidavit in reply filed by the respondent No. 5 dated 23.11.2021. In these circumstances the law laid down by the Hon'ble Supreme Court in **Kishore Samrite Vs. State of Uttar Pradesh**

reported in **(2013) 2 SCC 398** and **Bhaskar Laxman Jadhav and others Vs. Karmveer Kakasaheb Wagh Education Society** reported in **AIR 2013 SC 523** would be squarely applicable. For this reason alone this petition can be dismissed.

2. The learned advocate for the Petitioner submits that in this petition, an order of execution passed by the same District Consumer Forum Nandurbar, is being challenged. We would not entertain this petition since the judgment delivered by the forum is already subject matter of challenge. The second limb of the same litigation, in the form of execution of the order, cannot be entertained by this Court.

3. The Respondents are justified in praying for imposition of heavy costs since the Petitioner has suppressed material information from this Court.

4. In view of the above, **this petition is disposed off** by imposing cost of Rs. 25,000/- (Rs. Twenty Five thousands only), which the Petitioner would deposit in this Court within four weeks from today. The learned advocate for the Respondent No. 5 submits that atleast half amount of cost may be granted to the respondent No. 5 who is a senior citizen and whose money has been stuck in the fixed deposits with the petitioner. Considering this aspect we permit respondent No. 5 to withdraw Rs. 20,000/- (Rs. Twenty thousands only) on an application under proper identification by the learned advocate.

5. The Registry shall transmit Rs. 5,000/- (Rs. Five thousands only) to the Advocate Association's Bar Library, High Court Aurangabad.

[Y. G. KHOBRAGADE, J.]

[RAVINDRA V. GHUGE, J.]

bsb/June 23