

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1101 OF 2022

Kalyan Bapurao Gholve

...Petitioner

V/s.

The Special Recovery Officer,
Ujani Mahila Gramin Bigarsheti
Sahkari Patsanstha Maryadit and Ors.

...Respondents

Ms. Dikha P. Patil i/by. Mr. Sushant Prabhune, for Petitioner.

Mr. Kaustubh Thipsay i/by. Mr. Shivraj Patne, for Respondents
No.1 and 2.

Mr. S.D.Rayrikar, AGP for Respondent Nos. 4 and 6

CORAM : SANDEEP V. MARNE, J.

Dated : 11 October 2023.

P.C. :

1. The challenge in this petition is to the order dated 23 October 2019 passed by the Divisional Joint Registrar by which Petitioner's Revision filed under the provisions of Section 157 of the Municipal Corporation Act, 1960 (**the Act**) has been rejected essentially on account of failure on the part of the Petitioner to deposit 50%

amount mandatory under the provisions of Section 154(2A) of the Act.

2. I have heard the learned counsel appearing for the Petitioner. She would submit that though the loan was shown on paper, the Petitioner did not receive any amount from Respondent No.1-Credit Society. She would submit that the Society has created false and fake documentation with a view to show disbursal of the loan. She would also submit that one unauthorized person was carrying on money-lending business through the medium of the Society and in that regard, a complaint was filed with the Police Station by the Petitioner on 5 January 2021. She would submit that the police authorities have taken cognizance of that complaint. That therefore the Divisional Joint Registrar ought to have allowed the Revision Appeal in respect of the fraudulent loan transactions created by the Respondent-credit Society.

3. Perusal of the impugned order dated 23 October 2019 would show that Petitioner's Revision Application is rejected on account of failure to deposit 50% amount as mandated under the provisions of Section 154(2A) of the Act of 1960. The provisions of Section 154(2A) are mandatory in nature and no concession could be granted in favour of the Petitioner for entertaining the Revision Application without deposit of 50% amount. Since the Petitioner failed to deposit the amount as provided under Section 154(2A) of

the Act of 1960, his Revision Appeal could not have been entertained by the Divisional Joint Registrar. Another ground for rejection of the Revision is failure on the part of the Petitioner to produce any evidence in support of her contention of non-disbursal of the loan. It also appears that the Petitioner was absent during the course of hearing of the Revision Application. No error is therefore traced in the order dated 23 October 2019 passed by the Divisional Joint Registrar.

4. The Writ Petition being devoid of merits is **dismissed** without any orders as to costs.

NEETA
SHAILESH
SAWANT

SANDEEP V. MARNE, J.

Digitally signed by
NEETA SHAILESH
SAWANT

Date: 2023.10.13
10:35:45 +0530