



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8633 OF 2023

Uday Damodar Pendse ... Petitioner
Versus
Sharad Sahakari Bank Ltd. and others ... Respondents

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Mr. Sachin Pawar for the Petitioner.
Mr. P.B. Shaha alongwith Mr. Kayval Shah for the Respondent.
Mr. P.G. Sawant, AGP for the State-Respondent Nos.2 to 5.

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CORAM : N.R. BORKAR, J.
DATED : 11 AUGUST 2023

P.C. :-

1. The respondent No.6/developer had obtained loan from the respondent No.1-bank by mortgaging the entire housing project. The loan obtained was not repaid and thus respondent No.1 initiated proceedings under Section 101 of the Maharashtra Co-operative Societies Act and recovery certificate came to be issued against the respondent No.6.

2. The petitioner who is one of the flat purchaser in the said housing project has filed revision application against the order passed by the special recovery officer of respondent No.1 in terms of Section 107(11) of the Act, before the respondent No.2 – Divisional Joint Registrar.

3. By the order impugned the respondent No.2 rejected the stay application filed by the petitioner.

4. The contention is that the petitioner is neither borrower nor guarantor and therefore, the respondent No.2 ought to have stayed the order passed by the special recovery officer.

5. For the reason assigned in the impugned order and as the revision application is still pending, I am not inclined to entertain the present petition. The Writ Petition is dismissed.

(N.R. BORKAR, J.)