

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8802 OF 2022

F. C. I Chaturtha Shreni Karmachari Sahakari Patsanstha Ltd.
Through its Chairman

...Petitioner

Versus

Recovery Officer, Pune
(Org. Assistant Registrar, Pune) & Ors.

...Respondents

...

Mr. Anilkumar K. Patil, for Petitioner.

Mr. Pratap Patil, for Respondent No2.

Mr. C.D. Mali, A.G.P. for Respondent Nos.1, 3, & 4.

...

CORAM : SANDEEP V. MARNE, J.

DATE : 06 NOVEMBER, 2023

P.C.:

1. The challenge in the present Petition is to the order dated 12 May 2022 passed by the Divisional Joint Registrar Co-operative Societies, Pune rejecting the Revision Application No.183 of 2021 filed by the Petitioner-Society. The Revision Application was filed by the Petitioner-Society challenging the attachment order dated 5 May 2021. Admittedly the attachment order dated 5 May 2021 is issued in pursuance of the Recovery Certificate dated 12 September 2012.

2. Mr. Patil, the learned counsel appearing for Petitioner would submit that specific observations are made in the Recovery Certificate that the recovery should be made against the directors as well as the guarantors of the Petitioner-Society through their immovable properties. However, the Recovery Certificate ultimately directs that the due amount be recovered from all the Respondents, with included the Petitioner-Society as well. The Petitioner-Society did not challenge the Recovery Certificate dated 12 September 2012.

3. In that view of the matter only attachment order cannot be challenged in the absence of any challenge to the Recovery Certificate. The Divisional Joint Registrar has rightly rejected the revision application filed by the Petitioner-Society. No error can be traced in the order passed by the Divisional Joint Registrar Co-operative Societies. Writ Petition is accordingly rejected.

4. If the amount due under the Recovery Certificate is recovered from the Petitioner-Society, it would be open for it to recover the same from its directors or guarantors.

(SANDEEP V. MARNE, J.)