

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL WRIT PETITION NO. 9529 OF 2023**

Dilip Jawaharlal Varyani

...Petitioner

Versus

Ld. Divisional Joint Registrar Co-operative

Societies, Pune Division, Pune and ors.

...Respondents

.....

Mr. Manoj Patil for the Petitioner.

Ms. V. S. Nimbalkar, AGP for the State- Respondent Nos. 1 & 2.

Mr. Sidheshwar Biradar for Respondent No. 3.

.....

CORAM : N.R. BORKAR, J.

DATED : 4 AUGUST 2023

P.C. :-

The petitioner had obtained loan from respondent No. 3- the Seva Vikas Co-operative Bank Mydt. As the petitioner defaulted in paying the said load, the respondent No. 3 instituted proceedings under Section 101 of the Maharashtra Co-operative Societies Act, 1960 for recovery of the said loan amount.

2. It appears that during pendency of the said proceeding Liquidator came to be appointed on the respondent No. 3- Bank.

3. According to the petitioner, in view of the appointment of Liquidator, the respondent No. 3- Bank is not entitled to prosecute the proceedings in question.

4. The learned counsel for the petitioner in support of his submission has relied upon the judgment of this Court in the case of Al-can Exports Pvt. Ltd. Vs. State of Maharashtra¹.

5. I have perused the impugned order. It appears from the impugned order that it is the Liquidator only, who is prosecuting the proceedings in question. In that view of the matter, I am not inclined to entertain the present petition. The Petition is dismissed.

(N.R. BORKAR, J.)

¹ 2008(2) Mh.L.J. 250