



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7964 OF 2021

Suvarna Ashok Lande and another ... Petitioners

Versus

Commissioner of Co-operative Societies and the
Registrar General of Money Lenders and others ... Respondents

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Mr. Vanraj Shinde for the Petitioners.

Dr. Ramdas Sabban alongwith Mr. Pravin Sabban and Mr. Shrikant Kompelli for Respondent No.4.

Mr. C.D. Mali, AGP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 16 OCTOBER 2023

(Reserved on : 11 JULY 2023)

P.C. :-

1. The respondent no.4 herein has filed application/proceedings before respondent no.3 – District Deputy Registrar, Solapur under Section 18 of the Maharashtra Money Lending Act, 2014 seeking declaration that transaction between him and respondent no.5 in relation to land bearing Gat No.62/4 at Village – Pinjaarwadi, Taluka and District – Solapur was money lending transaction and thus, sale deed dated 2 May 1988 executed by him pursuant to said transaction be declared as invalid and possession of said land be restored to him.

2. The petitioners are the subsequent purchasers of the land in question from the respondent no.5.
3. The respondent no.3 by order dated 7 December 2018 allowed the said application filed by the respondent no.4 and granted relief as sought by him.
4. The petitioners being aggrieved by the said order of respondent no.3 filed the appeal before the respondent no.2 – Joint Divisional Registrar.
5. Respondent no.2 by order dated 9 May 2019 allowed the appeal filed by the petitioners. Consequently, the order passed by respondent no.3 was set aside.
6. Respondent no.4 being aggrieved by the order passed by the respondent no.2, filed the revision before respondent no.1 – Commissioner of Co-operative Societies, Pune. Respondent no.1 by order impugned dated 16 September 2021 has allowed the revision and remanded the matter back to the respondent no.2 for deciding it afresh.
7. I have heard the learned Counsel for the petitioners, the learned Counsel for respondent No.4 and the learned AGP for the State.
8. The learned Counsel for the petitioners has inter-alia submitted that the application filed by the respondent no.4 was not within the period of limitation as provided under Section 18 of the Act and thus, the appeal filed by the petitioners was rightly allowed by the respondent no.2 on that ground. It is submitted that respondent no.1 thus erred in setting aside the order of respondent no.2.

9. Respondent No.3 has answered the issue of limitation in favour of the respondent No.4 whereas respondent no.2 has answered the issue of limitation in favour of the petitioners. Respondent no.1 has not recorded any specific finding in relation to the issue of limitation and remanded the matter back to the respondent no.2 on other issues. The order of remand is questioned only on the ground of limitation and not on the other grounds. Considering the overall facts and circumstances, I am not inclined to entertain the present petition against the order of remand. The Writ Petition is dismissed.

(N.R. BORKAR, J.)