

Arjun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.12702 OF 2023

Ashok Shiva Parkar

...Petitioner

V/s.

Shivsahyadri Co-operative Credit
Society Ltd. & Ors.

...Respondents

Mr. Rohan Kaiche i/b Sachin R. Pawar, for the Petitioner.

Mr. S. D. Rayrikar, AGP, for Respondent Nos.2 to 5.

CORAM : MADHAV J. JAMDAR, J.

DATED : OCTOBER 17, 2023

P.C.:

1. Heard Mr. Kaiche, learned counsel appearing for the Petitioner.

2. The challenge in the present Writ Petition is to the order dated 7th July 2023 passed by the learned President, Maharashtra State Co-operative Appellate Court, Mumbai in Review Application No.3 of 2023.

3. The ground raised in the Review Application is that an amount of Rs.2,00,000/- is not disbursed to the Petitioner when the Petitioner availed the loan. The contention is specifically raised in the Case No. CC/III/115/2014 filed by the present

Petitioner and the same has been specifically rejected by the learned Judge, Co-operative Court No.III, Mumbai by the judgment and award dated 19th September 2022. The Petitioner challenged the said order dated 19th September 2022 by filing the Appeal No.76 of 2022. In the said Appeal a specific point has been framed whether the Opponent-Society disbursed remaining loan amount of Rs.2,00,000/- and the finding is in the affirmative. The learned President, Maharashtra State Co-operative Appellate Court, Mumbai by the judgment and order dated 23rd March 2023 dismissed the said Appeal. Thereafter, the Review Application has been filed on the same ground contending that the Society had not disbursed the said amount of Rs.2,00,000/-. The learned President, Maharashtra State Co-operative Appellate Court, Mumbai has observed that the scope of review is very limited and point raised earlier and rejected cannot be allowed to be raised under the garb of review jurisdiction.

4. Therefore, no interference in the impugned order is warranted under the writ jurisdiction of this Court. Accordingly, the Writ Petition is dismissed, however, with no order as costs.

[MADHAV J. JAMDAR, J.]