

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

WRIT PETITION NO.10667 OF 2019

Ms. Aarti Ravindra Khamkar ...Petitioner
Versus
The State of Maharashtra
through Deputy Registrar of Co-operative Society & Anr. ...Respondents

Ms. Aarti R. Khamkar, Petitioner in person.

Mrs. Dhara Shah i/b. Mr. Satish J. Agarwal, for Respondent No.2.

Mr. P. G. Sawant, AGP, for the State-Respondent.

Mrs. Sujata Ravindra Khamkar present.

CORAM : MADHAV J. JAMDAR, J.

DATED : 16th OCTOBER 2023

P.C. :

1. In the present Writ Petition, challenge is to the legality and validity of Recovery Certificate dated 25th June 2019 issued under Section 101 of the Maharashtra Co-operative Societies Act, 1960 (hereinafter referred to as **“the said Act”**). The said Recovery Certificate is granted in favour of the Respondent No.2-society. The Recovery Certificate has been issued against Smt. Sujata Ravindra Khamkar and Shri. Nitin Ravindra Khamkar. The challenge to the said

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Recovery Certificate is by Aarti Ravindra Khamkar. The Recovery Certificate is not issued against said Aarti Ravindra Khamkar. However, it is her contention that she has got some right with respect to flat No.401 in the Respondent No.2-society which is the subject matter of the Recovery Certificate. Both, the Petitioner-Ms. Aarti Ravindra Khamkar and Smt. Sujata Ravindra Khamkar, against whom Recovery Certificate is issued and is personally present in Court state that the said Recovery Certificate will be challenged by filing Revision under Section 154 of the said Act. Both of them state that 50% of the recoverable amount will be deposited with the society within a period of 3 months from today. The said statement is accepted. In view of the above statement made by said Smt. Sujata Ravindra Khamkar, the Petitioner seeks withdrawal of the Writ Petition.

2. However, it is clarified that the Petitioner and/or Smt. Sujata Ravindra Khamkar can file Revision under Section 154 of the said Act and such Revision be filed within a period of 3 months from today.

3. Ms. Dhara Shah, learned counsel appearing for the Respondent No.2-society states that society will not take any objection regarding delay and the society will give no objection for condonation of delay in filing such Revision. However, she states that the same will be done

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only if the Petitioner and/or Smt. Sujata Khamkar complies with the above statement and deposit with the Respondent No.2-society 50% of the recoverable amount.

4. It is clarified that this Court has not considered the merits and all contentions on merits are expressly kept open.

5. It is further clarified that if such Revision is filed, the same be decided on its own merits.

6. It is also clarified that if within a period of 3 months said Revision is not filed and the Petitioner/or Smt. Sujata Khamkar does not deposit said 50% of the recoverable amount with the society, then the society can proceed with the execution of the Recovery Certificate.

7. Accordingly, the Writ Petition is allowed to be withdrawn and dismissed as such, however subject to above.

[MADHAV J. JAMDAR, J.]