

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.164/2019

Ramesh V Janta Sahakari Bank Ltd Gondia and another

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. H.S. Rahangdale, Adv. for petitioner.

Mr. R.K. Borkar, Adv. for Resp. Nos.1 and 2.

CORAM : AVINASH G GHAROTE, J.

DATE : 31-01-2023

The petition challenges the order dated 28-8-2018, whereby the preliminary issue framed was answered holding that the civil Court would not have jurisdiction to entertain and decide the suit.

2. Mr Rahangdale, learned Counsel for the petitioner, submits that the civil Court would have jurisdiction considering the nature of the relief sought.

3. It is, however, material to note that the suit property was put to auction, in pursuance to the recovery certificate issued by the competent authority under the Maharashtra Cooperative Societies Act and the notice dated 23-12-2013, is the sale proclamation notice under Rule 107(11)(a) of the MCS Rules, considering which, the civil Court would not have any jurisdiction. The remedy would lie before the appropriate authority under the MCS Act and Rules

framed thereunder.

4. I do not see any reason to interfere in the order impugned in this petition. The petition is, therefore, dismissed. No costs.

5. The amount deposited in this Court along with accrued interest is permitted to be withdrawn by the petitioner.

JUDGE

Deshmukh