



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

2 WRIT PETITION NO. 13895 OF 2021

SAVITA DEVIDAS KHEDKAR

VERSUS

THE ASSISTANT REGISTRAR CO-OPERATIVE SOCIETIES AND OTHERS

...

Advocate for the Petitioner : Mr. Kamlakar J. Suryawanshi.

AGP for Respondent/State : Mr. K. B. Jadhavar.

Advocate for Respondent No.2 : Mr. Dattatraya Rambhau Markad.

Advocate for Respondent No.3 : Mr. Ganesh P. Darandale.

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AND

CIVIL APPLICATION NO. 222 OF 2024

IN WP/5472/2023

DEVIDAS LIMBAJI KHEDKAR

VERSUS

THE ASSISTANT REGISTRAR CO OPERATIVE SOCIETIES AND OTHERS

...

Advocate for Applicant : Mr. Kamlakar J. Suryawanshi.

AGP for Respondent/State : Mr. K. B. Jadhavar.

Advocate for Respondent No.2 : Mr. D. R. Markad.

Advocate for Respondent No.3 : Mr. G. P. Darandale

...

AND

WRIT PETITION NO. 5472 OF 2023

DEVIDAS LIMBAJI KHEDKAR

VERSUS

THE ASSISTANT REGISTRAR CO OPERATIVE SOCIETIES AND OTHERS

...

Advocate for the Petitioner : Mr. Kamlakar J. Suryawanshi.

AGP for Respondent/State : Mr. K. B. Jadhavar.

Advocate for Respondent No.2 : Mr. Dattatraya Rambhau Markad.

Advocate for Respondent No.3 : Mr. Ganesh P. Darandale.

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CORAM : **KISHORE C. SANT, J.**

DATE : 30th September, 2024.

P.C.:

. Heard the learned counsel for parties.

2 The petitioner has directly approached this Court challenging the recovery certificate issued under Section 101 of the Maharashtra Co-operative Societies Act.

3 At the outset, Mr. Markad, learned counsel for respondent No.2 has taken an objection about the maintainability of these petitions.

4 Mr. Suryawanshi, learned counsel for petitioner vehemently argued that in this case, the petitioner has not availed the loan. The entire record is prepared by the society. The petitioner has never availed any loan facility. He invites attention to the order dated 11th January, 2022, wherein the learned AGP was directed to seek instructions as to as to whether the loan is obtained by the petitioner or not from the respondent / Path Sanstha.

5 Today, when the matters are called out, the learned AGP submits that he has received instructions that the petitioner has availed a loan and in another loan proposal, she is the guarantor. It is only not sure as to in which proposal she is the guarantor and in which proposal she is the borrower.

6 The learned counsel for petitioner, however, disputes the correctness of the record and the fact of availing of the loan.

7 This Court, therefore, is not inclined on two counts, firstly, that there is alternative remedy to file revision, and secondly, that the disputed questions of facts are arising in the petitions, which cannot be adjudicated by this Court.

8 Considering the above, both the writ petitions stand disposed of. The petitioners are at liberty to avail the alternative remedy. The revisional authority shall take into consideration the time spent before this Court, while considering the aspect of condonation of delay.

9 In view of the disposal of the writ petitions, pending civil applications also disposed of.

[KISHORE C. SANT, J.]

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