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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11764 OF 2023**

Shantinath Balgonda Patil ... Petitioner

Vs.

Ld. Divisional Joint Registrar, ... Respondents
Co-operative Societies and Others

Mr. Manoj A. Patil for the Petitioner.

Mr. Tejpal S. Ingale for Respondent No. 3.

Mr. S. L. Babar, AGP for the State.

CORAM : GAURI GODSE, J.

DATE : 16th FEBRUARY 2024

P.C.

1. This petition takes an exception to dismissal of the petitioners' revision application for challenging recovery certificate issued under Section 101 of the Maharashtra Co-operative Societies Act, 1960 ("MCS Act"). By the impugned order the revision application of the petitioner is dismissed for want of non-compliance of the statutory provisions under Section 154(2A) of the MCS Act.

2. Learned counsel for the petitioner on instructions of the petitioner who is present in court has tendered an affidavit-cum-undertaking dated 16th February 2024 signed by the petitioner thereby undertaking to repay the entire outstanding amount within three months from the date of lifting of the attachment made by respondent no. 3 – bank.

3. Learned counsel for respondent no. 3 states that since the petitioner has accepted the liability and undertaken to pay entire outstanding loan amount respondent no. 3 is agreeable to lift the attachment subject to the petitioner complying with the undertaking alongwith respondent no. 4 who is co-borrower and son of the petitioner.

4. Respondent no. 4 is present in court today. He states that he also undertakes to comply with the statement made by the petitioner in the affidavit-cum-undertaking tendered today. Affidavit-cum-undertaking dated 16th February 2024 is taken on record. The undertaking given by the petitioner in the said affidavit-cum-undertaking is accepted. The statement made by respondent no. 4 is also accepted as an undertaking to this court.

5. In view of the aforesaid undertaking and statement made on behalf of respondent no. 3 no further adjudication is required in the petition. Petition is therefore disposed of by accepting the aforesaid statement made on behalf of the respective parties.

6. It is clarified that in the event petitioner and respondent no. 4 fail to comply with the undertakings as recorded in this order, respondent no. 3 bank will be at liberty to execute the recovery certificate by initiating appropriate proceedings after expiry of the period mentioned in clause 6 of the affidavit-cum-undertaking.

7. Writ Petition disposed of in view of the above terms.

[GAURI GODSE, J.]