

Shabnoor

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

WRIT PETITION NO.11206 OF 2022

SHABNOOR
AYUB
PATHAN

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Pravinbhai Bhagwanji Amlani

... Petitioner

V/s.

Abhyudaya Cooperative Bank Limited &
Anr

... Respondents

Mr. Kersi Dastoor, for Petitioner.

Mr. Sachin Kause i/by PRS Legal, for Respondents.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 26, 2024

P.C.:

- 1. Rule.** Rule made returnable forthwith.
- 2.** The order impugned in the writ petition has been passed by the Special Recovery Officer of respondent No.1 / bank in exercise of power under Section 97 of the Multi State Cooperative Societies Act, 2002.
- 3.** After introduction of amendment to Section 97 of the Multi State Cooperative Societies Act, 2002, the Executing Court is empowered to execute the award passed under the said Act. Therefore, respondent No.1 has already initiated proceedings for execution of award under the said Act. Therefore, the order passed by the Special Recovery Officer impugned in the writ

petition cannot be sustained. Hence, by keeping remedy of respondent No.1 / bank open to execute the award as provided under the said Act.

4. **Rule** is made absolute in terms of prayer clauses (a) to (d).
5. The writ petition stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)