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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 605 OF 2019**

Ramanjit Garewal ... Petitioner

Vs.

Divisional Jt. Reg.Co-op ... Respondents
Soc. Mumbai Div and Others

Mr. Ranjeev Carvalho a/w. Mr. Sriraj G. Menon, Mr. Rupesh Geete, Mr. Avesh Ganja and Mr. Sandesh Panchal i/b. Mr. Sriraj G. Menon for the Petitioner.

Mr. G. Krishna Mohan Nair for Respondent No. 4.

Ms. Sulbha Chipade, AGP for the State.

CORAM : GAURI GODSE, J.

DATE : 10th APRIL 2024

P.C.

1. This petition challenges dismissal of the petitioner's revision application. Revision application was filed for challenging recovery certificate issued under Section 101 of the Maharashtra Co-operative Societies Act, 1960.

2. In order to put an end to the dispute, learned counsel for the petitioner on instructions had requested the society to accept 9% interest instead of 21% as claimed by the society. Hence, petitioner

had submitted a proposal to the society by way of an amicable settlement.

3. Pursuant to the offer for an amicable settlement made by the petitioner, respondent no. 4 -society resolved by passing a resolution dated 6th April 2024 stating that if the petitioner pays an amount of Rs. 1,00,000/- within one month the balance interest payable shall be waived by the society.

4. Learned counsel for respondent no. 2 has placed on record copy of the resolution dated 6th April 2024. The same is taken on record and marked "X" for identification with today's date.

5. Learned counsel for the petitioner on instructions of the petitioner who is present in court submits that the petitioner is agreeable to pay an amount of Rs. 1,00,000/- as suggested by the society, however, he is requesting for a period of three months time to make the payment.

6. Learned counsel for respondent no. 4 on instructions submits that if the petitioner undertakes to this court to make the payment society has no objection in granting three months time to make the payment.

7. Learned counsel for the petitioner on instructions of the petitioner states that the petitioner undertakes to this Court to make payment of Rs.1.00,000/- within three months from today. Statement is accepted as an undertaking to this Court.

8. In view of the aforesaid agreement between the parties, nothing survives in the petition. In view of the undertaking given by the petitioner, respondent no. 4-society shall not execute recovery certificate dated 29th January 2015 for a period of three months from today.

9. It is clarified that in the event the petitioner fails to abide by the undertaking and fails to make payment within three months from today, respondent no. 4 – society shall be at liberty to adopt appropriate proceedings for execution of the recovery certificate dated 29th January 2015.

10. Writ Petition is disposed of in the above terms.

[GAURI GODSE, J.]