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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 16654 OF 2023**

Smt. Sujata Balaso More ... Petitioner
vs.
The State of Maharashtra and Ors ... Respondents

Mr. Shailesh Chavan a/w. Shankar Lokare, for Petitioner.

Mr. Ranjeet H. Patil for Respondent No.4.

Mr. Chetan G. Patil for Respondent No.3.

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

CORAM : GAURI GODSE, J.

DATED : 6th FEBRUARY, 2024

P.C. :-

1. Learned counsel for respondent no.3-bank raises a preliminary objection that the writ petition is not maintainable and petitioner has an alternate remedy of filing revision application. He relies upon the decision of this court in case of ***Maharashtra Nagri Sahakari Bank Ltd., Latur and Another v Ravindra s/o. Prabhakar Kulkarni and Ors***¹. Learned counsel for the petitioner on instructions states that the petitioner be permitted to withdraw this petition with liberty to file revision application alongwith delay condonation application. He submits that petitioner shall comply with the

¹ 2011(1) Mh.L.J

statutory provision of section 154(2)(A) of the Maharashtra Co-operative Societies Act. He submits that he may be granted protection for a limited period to file revision application.

2. Learned counsel for the respondent no.3-Bank opposes the requests on the ground that the revision application is time barred and bank is entitled to oppose the same. In the event, such revision application is filed it is always open for respondent-bank to raise an objection that the revision application is time barred.

3. Learned counsel for the petitioner states that the petitioner has deposited an amount of Rs. 5,00,000/- with the bank, hence, he may be permitted to make an appropriate application before the revisional authority seeking waiver of compliance under section 154(2)(A) to the extent of the amount which is already deposited.

4. In view of the aforesaid submissions following order is passed:

I) Petitioner is permitted to withdraw this petition with liberty to file an appropriate revision application under section 154 of the Maharashtra Cooperative Societies Act, alongwith an application for condonation of delay.

II) Petitioner is at liberty to make an appropriate application before the revisional authority for seeking benefit for the

amount of Rs. 5,00,000/- already deposited by the petitioner with the respondent no.3-Bank. If such application is made, same to be decided on its own merits after considering the objections of respondent no.3.

(III) To enable the petitioner to make an appropriate application for interim protection before the revisional authority, no coercive action be taken for a period of three weeks subject to the petitioner filing revision application within a period of one week from today.

5. It is clarified that I have not examined the rival contentions of the parties on merits. Hence, all contentions of all parties are kept open. It is also clarified that if revision application is not filed within a period of one week, interim protection granted by this order will automatically stand vacated.

(GAURI GODSE, J.)