

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

WRIT PETITION NO.1154 OF 2024

Vinodkumar Rajaram Yadav

.. Petitioner

Versus

Shree Vishweshwar Sahkari

Patpedhi Maryadit & Ors.

.. Respondents

Mr.D.A. Bhalerao for the petitioner.

Mr.N.C.Walimbe, Addl.G.P a/w Mr.A.R. Metkari, AGP for respondent
nos.2 & 3-State.

***CORAM : A.S. CHANDURKAR &
JITENDRA JAIN, JJ.***

DATE : 25th January 2024

P.C.:-

. It is submitted by the learned counsel for the petitioner that pursuant to the recovery certificate issued under Section 101 of the Maharashtra Co-operative Societies Act, 1960, the auto rickshaw that was hypothecated with the respondent no.1-Society came to be attached and its possession was taken on 26th February 2019.

2. Despite the aforesaid, when the petitioner sought to file proceedings under Section 154 (2A) of the said Act, he was called upon to deposit 50% of the amount due. It is urged that since the hypothecated vehicle is already with the bank, such pre-deposit was not liable to be insisted upon.

3. Issue notice, returnable on 15th February 2024. The learned Additional Government Pleader waives service of notice on behalf of respondent nos.2 & 3. Respondent no.1 be served by all permissible modes.

4. In the meanwhile, no further steps shall be taken pursuant to the recovery certificate issued against the petitioner.

JITENDRA JAIN, J.

A.S. CHANDURKAR, J.