

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

WRIT PETITION NO. 6682 OF 2024

V Mathai Easo
V/S
The District Deputy Registrar (IV) Cooperative
Society And Ors

....Petitioner
....Respondents

Mr. Jay S. Patil for Petitioner
Mr. B. B. Dahiphale, AGP for State-Respondent Nos. 1 & 2

CORAM : M. M. SATHAYE, J.

**DATED : 29 MAY 2024
(Vacation Court)**

P.C.:

1. Heard learned Counsel for the Petitioner and learned AGP for the Respondent Nos. 1 & 2, who waives notice.
2. The Petitioner is challenging the impugned order dated 29.12.2023 passed by the District Deputy Registrar, Co-operative Societies (4), Mumbai by which the Revision Application of the Petitioner under section 154 of the Maharashtra Co-operative Societies Act, 1960, is rejected. By the said rejection, the order dated 03.01.2023 by Deputy Registrar, Co-operative Societies, R-North Division, Mumbai ordering recovery of certain amounts against the Petitioner at the instance of the Respondent No. 3-Society, is confirmed.

3. Learned Counsel for the Petitioner has relied on the order of the attachment section 156 of the said Act, passed by the Respondent No. 4 - Special Recovery Officer, by which, pursuant to the impugned recovery, Saving Account no. 34077212084 is attached for an amount of Rs.1,63,601/-. The attachment order also directs the State Bank of India of the concerned branch at Borivali (West), to remit the said amount directly to the Respondent No. 3-Society.

4. Learned Counsel for the Petitioner, on instructions, specifically states that the said bank account is the 'pension account' of the Petitioner, which is put under hold to the extent of said amount. He submits that the statutory deposit made by the Petitioner at the time of filing the Revision Application, has not been adjusted while arriving at the figure of attachment.

5. Relying on the Rule 107(5)(n) of the Maharashtra Co-operative Societies Rules, 1961 read with proviso (g) to section 60 of Civil Procedure Code, 1908, it is submitted that the said bank account being pension account of the Petitioner, cannot be attached in the recovery under section 156 of the said Act.

6. Learned Counsel for the Petitioner has placed on record copies of email notices of the today's hearing specifically given to the Respondent – Authority as well as the Chairman of the Federation, who has appointed

Respondent No. 4-Recovery Officer. Despite that nobody appeared for the Respondent No. 3 & 4.

7. In light thereof, following order is passed:

(a) Issue notice to the Respondent Nos. 3 & 4, returnable on 26.06.2024.

(b) Till the next date, by way of ad-interim relief, the attachment order dated 16.05.2024 issued by the Respondent No. 4 over the Petitioner's pension account number 34077212084, to the extent of Rs.1,63,601/-, is stayed.

(d) All contentions of the parties are kept open. Respondents are at liberty to move before the regular court.

8. All concerned to act on authenticated or digitally signed copy of this order.

(M. M. SATHAYE, J.)