

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

WRIT PETITION NO. 9709 OF 2024

Mahesh Sambhaji Bhosale	...Petitioner
Versus	
The Registrar General (money Lenders) Cooperative And Ors.	...Respondents

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Mr. Sharad T. Bhosale, for the Petitioner.

Ms. Aloka Y. Nadkarni, A.G.P. for the Respondent – State.

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CORAM	:	AVINASH G. GHAROTE, J.
DATE	:	19th JULY, 2024

P.C.:

1. Heard Mr. Bhosale, the learned counsel for the petitioner. The claim made by the petitioner, for return of the immovable property of Gat No. 364 in view of Section 14 of the Maharashtra Money Lending (Regulation) Act 2014, before the Competent Authority/District Deputy Registrar came to be allowed by the order dated 22.2.2021 (page 127), appeal against which before the Divisional Joint Registrar, also came to be allowed by the order dated 11.11.2022 (page 158), which is the subject matter of challenge in this petition

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2. The learned counsel for the petitioner submits that the impugned order, is factually incorrect as it is based upon, a premise that R.C.S. No. 143 of 2012 filed by the petitioner for specific performance of the Agreement of Conveyance dated 28.01.2002, came to be dismissed on account of limitation and absence of readiness and willingness. It is contended that on account of the Act of 2014 a specific remedy dehor's the limitation, was created in favour of the petitioner on account of which the learned Joint Divisional Registrar could not have allowed the appeal.

3. The Sale Deed dated 28.01.2002 by the petitioner in favour of the father and husband of respondent Nos. 5 to 10, was in respect of land Gat No. 364 (page 60), on which date itself, an Agreement of Reconveyance/Sale was executed by him in favour of the petitioner, which would indicate that the Sale Deed dated 28.01.2002 was a loan transaction and therefore covered by the Act of 2014.

4. Issue notice for final disposal returnable on 16.08.2024.

5. The learned AGP waives service of notice for the respondent Nos. 1 to 4.

6. Till the returnable date the respondents Nos. 5 to 10, shall not create any third party right, title or interest in the subject property.

(AVINASH G. GHAROTE, J.)