



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

WRIT PETITION NO. 4176 OF 2024

(Shri Pramod s/o Balaji Narnaware ..vs.. Special Recovery and Sale Officer, Prajwal Nagari Sahakari
Pat Sanstha Maryadit, Nagpur and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. M.M. Kalar, Counsel for the petitioner,
Mr. D.P. Thakare, Addl.G.P. for the respondent/State.

**CORAM : NITIN W. SAMBRE &
ABHAY J. MANTRI, JJ.**

DATED : 12-07-2024

In execution of certificate issued under Section 101 of the Maharashtra Co-operative Societies Act, 1960 (for short the "Act"), the immovable property of the petitioner is attached. As such, this petition.

2. The contentions of the petitioner are, though the petitioner has daily saving account with the respondent-society in which he has deposited Rs.2,000/- per day, the same amount is not adjusted against the loan amount of the petitioner. It is further claimed that the petitioner is suffering from hardship as his father is hospitalized since last about a year. To show *bona fides*, the petitioner has claimed that he shall be depositing an amount of Rs.5,00,000/- within a period of two weeks from today.

3. As far as the aforesaid contentions are concerned, we are not inclined to cause indulgence for the following reasons -

(a) The petitioner has an alternate remedy of questioning the certificate issued under Section 101 of the Act, which he has failed to.

(b) As far as the issue of hardship which is faced by the petitioner is concerned, the fact remains that the loan amount was utilized by the petitioner and it was open for him to contest the certificate issued under Section 101 of the Act on merit on the aforesaid grounds, which he has failed to.

(c) Even if the petitioner intends to deposit an amount of Rs.5,00,000/- as against the total outstanding of Rs.55,00,000/- and odd, it cannot be said that the petitioner is satisfying the requirement under Section 154 of the Act.

4. In this background, we are not inclined to show indulgence by exercising extraordinary jurisdiction.

5. The petition stands dismissed. However, it shall be open for the petitioner, if so desire, to approach under Section 154 of the Act.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

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