



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 3182 OF 2024

(Jawahar S/o Mulchand Gaidhane

Vs.

Assistant Registrar Co-operative Society, Nagpur & Ors.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
--	---------------------------

Ms. Krutika Motdhare, Advocate for the Petitioners.
Mr. G.K. Bhusari, Advocate a/w Ms. Anagha Shelke, Advocate for the
Respondent No.3.

CORAM: N.R. BORKAR, J.

DATED : 16th JULY, 2024

Heard.

2. The Respondent No.3 herein had filed application under Section 101 of the Maharashtra Co-operative Societies Act, 1960 against the Petitioner. By the order impugned, the Respondent No.1 has allowed the said application and issued recovery certificate for Rs.1,62,091/-.

3. The learned Counsel for the Petitioner, submits that Respondent No.1 has passed the order impugned in utter violation of principles of natural justice. It is submitted that, notice of the above proceedings was issued to Petitioner and he was asked to appear on 18.01.2024. On that date after appearing in the matter he filed an application for supply of documents, however, no next date was given. It is submitted that, thereafter by a fresh notice he was asked to appear on 06.02.2024, however, on that date due to unavoidable circumstances the Petitioner could not appear in the matter. It

is submitted that, on 09.02.2024 the Respondent No.1 has passed the impugned order.

4. The learned counsel for the Petitioner, submits that an opportunity be granted to the Petitioner to contest the application as the Petitioner is not liable to pay the amount mentioned in the recovery certificate.

5. On the other hand, the learned Counsel for the Respondent No.3, submits that no valid reason is assigned for non-appearance on 06.02.2024. It is thus submitted that, this Court may not interfere in the order impugned.

6. Considering the overall facts and circumstances, in my view it would be appropriate to grant an opportunity to the Petitioner to contest the proceedings. The order impugned is thus quashed and set aside, subject to deposit of Rs.50,000/- (Rs. Fifty Thousand Only) by the Petitioner with the Respondent No.3 within a period of six weeks from today.

7. The parties shall appear before the Respondent No.1 on 12.08.2024.

8. The Respondent No.1 shall permit the Petitioner to file reply to the application filed by Respondent No.3 and then shall decide the application in accordance with law.

9. The Petition is **disposed** of in the above terms.

10. Pending application/s, if any, shall stand disposed of accordingly.

(N.R. BORKAR, J.)