

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2349 OF 2025

Bhimashankar Baburao Katore

VERSUS

The District Deputy Registrar Co Operative Societies And Others

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Advocate for the Petitioner : Mr. More Abhijit S.

AGP for Respondent/State : Mr. K.B. Jadhavar

Advocate for Respondent No.2 : Mr. P.B. Rakhunde

Advocate for Respondent No.3 : Mr. J.S. Kadam

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : JULY 25, 2025

PER COURT :-

1. Present petition takes exception to order dated 20.11.2020 passed by respondent no.1/District Deputy Registrar, Co-operative Societies, Osmanabad under Section 18 (2) of the Maharashtra Money-Lending (Regulation) Act, 2014 ('Act of 2014' for short) in Case No.11 of 2017.

2. Respondent no.2 instituted money lending suit before District Deputy Registrar, Co-operative Societies, Osmanabad under Section 18 of the Act of 2014, alleging that sale of land gat no.149 in favour of petitioner was money lending transaction. During pendency of suit, respondent no.2 filed an application dated 06.10.2020 seeking addition of his brother namely Sandip Madhukarrao Kulkarni as party to proceeding. It is averred in application that although there is reference of sale transaction dated 03.05.2006 in the suit, which is in

the name of Sandip Madhukarrao Kulkarni, his name was not included as applicant in suit along with respondent no.2. Therefore, permission was sought for such inclusion. The application was opposed by petitioner on the grounds that the application is belatedly made. Secondly, proposed addition of Sandip Madhukarrao Kulkarni would be irrelevant as he is unconcern with transaction which is subject matter of suit. However, respondent no.2 allowed application vide impugned order dated 20.11.2020.

3. Mr. More, learned advocate appearing for petitioner submits that respondent no.2 never raised grievance in respect of sale deed executed on 03.05.2006. The proposed addition of Mr. Sandip Madhukarrao Kulkarni who is party to that transaction is irrelevant in this suit. He would further urge that there is no provision under Maharashtra Money Lending Act enabling addition of parties. According to him, a new case is sought to be set up in respect of sale deed dated 03.05.2006 executed by third party i.e. Sandip Madhukarrao Kulkarni in favour of petitioner which is not subject matter of suit.

4. Per contra, Mr. P.B. Rakhunde, learned advocate appearing for respondent no.2 invites attention of this Court to the averments in suit and submit that both sale transactions dated 04.08.2004 and 03.05.2006 are subjected to challenge in suit as land gat no.149 is a joint family property of respondent no.2 and his

brother Sandip. He would submit that first sale deed 04.08.2004 was jointly executed by respondent no.2 and his brother Sandip and second sale deed 03.05.2006 was executed by respondent no.2 alone. He would further invite attention of this Court to 'cause of action' pleaded in para 8 of suit and submit that there is specific challenge to both sale deeds. As such, addition of Sandip Madhukarrao Kulkarni was necessary for effective adjudication of dispute. Mr. Rakhunde would submit that the authorities under the Act of 2014 are empowered to pass necessary orders for addition of parties for effective and complete adjudication of issues involved in proceeding instituted under Section 18 of the Act of 2014.

5. Having considered submissions advanced, it can be observed that Money Lending Suit No.11 of 2017 is instituted under Section 18 of the Act of 2014 by respondent no.2 against petitioner. Perusal of pleadings shows that there is reference of sale deed dated 04.08.2004 as well as 03.05.2006 with specific averment that both sale deeds are pertaining to joint family property. The cause of action rest on the basis of both sale transactions.

6. Rule 17 of Maharashtra Money-Lending (Regulation) Rules, 2014 provides for procedure for the return of immovable property acquired or usurped in course of money-lending. Sub-clause 12 of Rule 17 reads thus :

“(12) The District Registrar or the inquiry officer appointed by him shall have power, at any stage of the proceedings, to add

name of any person to whom the possession for enjoyment of property or use claimed, may have been transferred or the addition of whom as a party appears necessary in order to enable him to effectually and completely decide the issue involved in section 18, be added as applicant or opponent as the circumstances of the case may require.”

7. Plain reading of aforesaid provision clearly indicates that District Registrar or Inquiry Officer has power to add name of any person which appears necessary in order to enable him to effectually and completely decide the issue involved in proceeding under Section 18. It is therefore evident that the impugned order is passed within the statutory powers conferred upon the Registrar. Further record indicates that sale deed dated 04.08.2004 was jointly executed by respondent no.2 and his brother Sandip Madhukarrao Kulkarni. The inquiry under Section 16 was conducted wherein there is reference of both sale deeds being money-lending transactions. It cannot be disputed that for effective adjudication of dispute, presence of Sandip Madhukarrao Kulkarni, who is one of the party to the sale transaction is necessary. As such, no jurisdictional error appears in impugned order.

8. In result, writ petition is rejected.

(S.G. CHAPALGAONKAR, J.)