

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

WRIT PETITION NO.11765 OF 2024

Shri Yashwant Dhula Padalkar and ors. ... Petitioners
V/s.
The State of Maharashtra and anr. ... Respondents

Mr. Ashish S. Gaikwad *with Mr. Anirudh R. Rote, Ms. Anjali S. Kolapkar and Ms. Savita S. Gaikwad, Advocates for the Petitioner.*

Ms. M. S. Bane, *AGP for the State.*

CORAM : SANDEEP V. MARNE, J.

Dated : 26 February, 2025.

P.C. :

1. The petition challenges order dated 1st December, 2021 passed by Maharashtra State Co-operative Appellate Court dismissing Appeal No.10 of 2020 and confirming the judgment and order dated 26th November, 2019 passed by Co-operative Court, Solapur.

2. I have heard Mr. Gaikwad, the learned counsel appearing for Petitioners and have considered the submissions canvassed by him.

3. The petition appears to have been filed after considerable delay. However, even if the aspect of delay is to be momentarily ignored, it is seen that Petitioners did not appear in the dispute filed before Co-operative

Court and did not file their written statement. They neither led evidence nor cross-examined the witness of the Disputant-credit society. In that view of the matter, there was no defence before the Co-operative Court on behalf of the Petitioners. The Co-operative Court was left with no other option but allow the claim in the dispute. In that view of the matter, there was no valid reason for the Co-operative Appellate Court to interfere in the order passed by the Co-operative Court. It is sought to be urged before me that an exorbitant interest at the rate of 15% p.a. is levied by the Credit Society. However, the same appears to be on account of contract executed between the parties.

4. I therefore, do not find any valid reason to interfere in the orders passed by the Co-operative Court and the Co-operative Appellate Court.

5. Writ Petition is accordingly rejected.

(SANDEEP V. MARNE, J.)