

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

WRIT PETITION NO.2431 OF 2024

Amar Dattaram Naik & Ors.

....Petitioners

V/S

State of Maharashtra & Ors.

....Respondents

**WITH
INTERIM APPLICATION NO.7034 OF 2025
IN
WRIT PETITION NO.2431 OF 2024**

Amar Dattaram Naik & Ors.

....Applicants

V/S

State of Maharashtra & Ors.

....Respondents

Mr. Bhushan A. Vardhamane *for the Petitioners/Applicants
in Interim Application and Writ Petition.*

Ms. Snehal S. Jadhav, AGP *for Respondent Nos.1 to 3 / State in
Interim Application and Writ Petition.*

Mr. Pradeep S. Gole *for Respondent No.4-Society in Interim
Application and Writ Petition.*

**CORAM: SANDEEP V. MARNE, J.
DATE : 7 APRIL 2025.**

P.C.:

1. The Petition challenges order dated 22 February 2022 passed by the District Deputy Registrar, Co-operative Societies, (2) Eastern Suburbs, Mumbai, dismissing the Revision

Application filed by the Petitioners under provisions of Section 154 of the Maharashtra Co-operative Societies Act, 1960 (**the Act**) on account of failure on the part of the Petitioners to deposit 50% of the amount as per provisions of Section 154(2A) of the Act.

2. I have heard Mr. Vardhamane, the learned counsel appearing for the Petitioners, Ms. Jadhav, the learned AGP appearing for the Respondent Nos.1 to 3/State and Mr. Gole, the learned counsel appearing for the Respondent No.4 and have considered the submissions canvassed by them.

3. It appears that instead of exercising the revisionary remedy, Petitioners had erroneously petitioned this Court on 14 May 2019 challenging the Recovery Certificate dated 29 April 2019. This Court disposed of Writ Petition No.10767 of 2019 granting liberty to the Petitioners to file Revision under Section 154 of the Act within one week with further direction to the Revisional Authority to decide the same without raising objection of limitation. Ordinarily the Revision cannot be entertained by the Revisional Authority unless 50% of the amount of recoverable dues as on the date of filing of the Revision are deposited under sub section 2A of Section 154 of the Act. If Petitioners were to file Revision Application before the District Deputy Registrar on 19 May 2019, it would have been mandatory for them to deposit 50% of recoverable amount as on

15 April 2019. They however erroneously filed Writ Petition before this Court and finally preferred a Revision Application before the District Deputy Registrar on or before 7 December 2021. In that view of the matter, it was necessary for the Petitioners to deposit 50% of the amount recoverable as on 14 May 2019 as a pre-condition for entertainment of the Revision Application on merits.

4. I accordingly proceed to pass the following order:

i) Respondent No.4-Credit Society shall communicate to the Petitioners the amount recoverable as on 14 May 2019 within one week. Within two weeks of receipt of such communication, Petitioners shall deposit with the Respondent-Society 50% of the amount so communicated and produce receipt of such deposit before the District Deputy Registrar.

ii) In the event of such deposit being made by the Petitioners, the Revision Application filed before the District Deputy Registrar shall stand restored and be decided on merits by taking into consideration all the contentions raised by the rival parties.

iii) If Petitioners fail to make deposit as directed above, the order dated 22 February 2022 shall continue to subsist.

iv) In the event of deposit being made in stipulated time, the order dated 22 February 2022 shall stand set aside and the Revision Application shall stand restored as directed above.

v) Subject to the deposit being made as directed above, the Respondent-Society shall not take any precipitative steps for taking possession and/or sale the mortgaged property subject to the condition of Petitioners not creating any third party rights therein.

vi) The Revision Application shall be decided by the District Deputy Registrar in an expeditious manner, preferably within a period of four months from the date of deposit.

5. With the above directions, the Petition is **disposed of**.

6. In view of disposal of the Petition, nothing would survive in the Interim Application and the same is also accordingly **disposed of**.