



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

WRIT PETITION No.4050 OF 2025

(Rajendra s/o. Sudhakar Dongre and another Vs. Prajwal Nagri Sahakari Sanstha Maryadit,
Nagpur, through its Manager/Recovery Officer 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. V.B. Gawali, Advocate for petitioners.
Mr. A.G.Mate, AGP for respondent Nos.2 and 3.

CORAM : PRAFULLA S. KHUBALKAR, J.
DATE : 30th JULY, 2025.

1. Heard Mr. V.B. Gawali, learned counsel for the petitioners.

2. The petitioners' grievance is against the notice of attachment and threat of losing possession pursuant to the notice dated 30.5.2025 issued by the Executive Magistrate, Nagpur (City), based on the recovery certificate under Section 101 of the Maharashtra Co-operative Societies Act, 1960 issued in favour of respondent No.1-Prajwal Nagri Sahkari Sanstha Maryadit, Nagpur. The petitioner's primary contention is that although the loan of Rs.12,00,000/- was advanced to the petitioner in the year 2015, however, recovery of an amount of Rs.32,95,576/- is sought to be made on the basis of wrong calculations. In this regard, he submits that the total amount including interest due as on 31st August, 2024 was Rs.20,04,114/-, however, the interest and other charges are shown to have been outstanding and the total claim is alleged to be Rs.32,95,576/-. He submits that the petitioner has,

therefore, filed a Dispute before the Co-operative Court bearing Dispute No.153/2025 in which notices are issued and the Dispute is pending. He submits that during the pendency of the Dispute the execution proceeding are initiated and pursuant thereto notice dated 30.5.2025 is issued on the basis of which the petitioner's dwelling house is likely to be attached. He also submits that the petitioner had, therefore, submitted an application for grant of status-quo vide Exh.-15 before the Co-operative Court which came to be rejected by order dated 29.7.2025.

3. It is not disputed that the recovery certificate under Section 101 of the Maharashtra Co-operative Societies Act, 1960 is not challenged and the notice of attachment dated 30.5.2025 is issued pursuant to the said recovery certificate. Although the petitioner has raised a dispute about the calculations vide the Dispute No.153/2025, the fact remains that the petitioner is liable to re-pay amount of loan with interest and other dues.

4. Having regard to the threat of losing possession of the dwelling house, the petitioner is granted liberty to submit an application/request immediately to the respondent No.1-Prajwal Nagri Sahkari Sanstha Maryadit, Nagpur by expressing readiness to deposit a substantial amount out of total outstanding amount.

5. In case such an application/request is submitted to the respondent No.1, the respondent No.1-Prajwal Nagri Sahkari Sanstha Maryadit, Nagpur is directed to consider the request sympathetically.

6. Steno copy of this order be supplied to the learned counsel appearing for the parties.

7. Stand over to 13.8.2025.

(PRAFULLA S. KHUBALKAR, J.)

Wadode