

Karnataka High Court

The Authorized Officer Sri ... vs Sri Kashimsab Nijamuddin ... on 19 December, 2008

Author: S.Abdul Nazeer

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Sri Siddeshwaz" F\$ééac'i_."~ _ ,

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{B}? Sri. AS13525; N. 2">.:;':::1;V;2;;;é.:;}?

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' RESPONSE???

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._ "31';10.--.;(3G"E';'pa3\$cii in .e\:'f\$A No.13?[12007 at flmn--A and etc.

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ORDER

In this Case, the petitioner has called in quC\$:ti9::V..i\$1u\$ ' Order dated 31,10,203? passed ;:iMmAS£__«_ passed by the Debt Recovery T:i1';:1:s;3lV_A.(Ka1::;_a.taka) VV " Bangalore (for short 'DRT3, x!;?11ért3.:b':V'j.% (the respondent lilldfr seCtiQa..V. 1"? \$¢\$u□□S'a□3I; and Recenstrtxction of v""»«Evf;fgrcemCñt cznf Sacurity Interacs□V'\$};;□□'fV;+';1'--.;-1') has been allowed. 1 " I A ' :2. E Counsel for the petitioner

3. " ..Pétiti:jr:ér _ '□thorized Gf□arzr (sf Sr: Siddssimza: C'Yé~«:špe'1."éZÉi%é- Limited' The? Bank in .ti;u:fs{ii:>§1 E5; étimitted.v1§§'"«govCmed by the provisions of the Societizs Act, 195?, The pe□ener haxi gizocceedmgss a.gai1:,1sA: thts: }. 'E'E§§3(Z)□1€11t for ' me-:}v:I'y" teztain Eoan amount under the pI'{}ViS§3:)IIS of the 31;r:t'.. ___Pé-ssessien nvstim was isauzf□agaixmt '£116: petitiener in ,': I'EE\$'1:.)€(?t of the property in question under Sub--secti-an 4 of ~ ; Sec't:ion 13 of the Act. The respondent filed. an appeal E {_,..._-¢ an challenging the *said order before the DRT. The allc-wed the appeal holding that the pe:\$:ien¢;:~{":1a;g_ . _ jurisdiction to initiate proceedings for recov¢r\$>t:~{i" " amount under the provisions of; t}1::_. I'it.{:t--__.' '=.:3., .A connection, the DRT has I□fli□d' Q3]. !ivf't'CiSiOIL»5Ih'vVHé1f\$'. Court in GREATER sommfv...:§;:ogQP□R4\$;frfV\$'; BANK LIMITED vs... M.8. u□:~%En_*_" Pvf Limrrsn AND mammas reported In the said decision, .1'.1t1;:~{t't11<*: □ezid of €39- operative 11:-,1v~*: been covered by the {,'~e1j;V1V:\$.'";=,'L'iV.,V.:i."1.':3f□:~%..3'v'.}V_VV.'V,'V'f1v" f.(.* Entry 45, List 1 of 'th Vo1? Co-operative Banks constitlgted {ivQ-- o\$tr:ative Societies Act enacted by " «.1113 staiéS'we:3'u1d be covered by Entry 32 of List 2 <5f;7v'F;'5*' §)f.th€ Constitu□on of India. f"'s«'T;:e_=:r.c;ff::e't"€, the action infztia trzd by the peiition□ ' agaiitst £433:-vfttspndent for me-rzvery of the: loan amount ' VVi;_r,3:'Vier iymvisions of the Act has been rightly set aside by mersrmg liberty to the paitiozz-gr to take agxéproprate action for realisation of said amount in " aecordmzce with the provision of the Co-op□rative Societies Ex;

Act. I :19 mat fi□d merit in this writ petmon. Vi»1:4 'is; accordingly dismissed. No costs.