
(2011) 04 AHC CK 0506
In the Allahabad High Court
Case No : C.M.W.P. No. 16311 of 2011

Chandra Prakash Agrawal

APPELLANT

Vs

Urban Co-operative Bank Ltd., Bareilly and others

RESPONDENT

Date of Decision : 05-04-2011

Acts Referred:

Citation : (2011) 5 AWC 4919 : (2011) 8 RCR(Civil) 569

Hon'ble Judges : Satya Poot Mehrotra, J;Rajesh Chandra, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Satya Poot Mehrotra and Rajesh Chandra, JJ.—The present writ petition has been filed, inter alia, praying for directing the Tehsil authorities not to execute the citation/notice dated 7.2.2011 (Annexure-1 to the writ petition).

2. By order dated 17.3.2011, Sri Sujit Kumar Rai, learned counsel for the respondent No. 1 was granted time to obtain instructions in the matter.

3. Sri Sujit Kumar Rai, on the basis of the instructions received by him, states that the petitioner had taken loan from the respondent No. 1. As the petitioner committed default in payment of loan the respondent No. 1 referred the matter for arbitration under the U. P. Co-operative Societies Act, 1965 read with Rule 229 (1) (c) of the U. P. Co-operative Societies Rules, 1968. The arbitrator gave an award dated 16.8.2010.

Pursuant to the said award, recovery proceedings have been initiated against the petitioner.

4. Sri Sujit Kumar Rai further states that the petitioner has got an alternative remedy of filing appeal u/s 98 (1) (h) of the U. P. Co-operative Societies Act, 1965.

5. In view of the submission made by Sri Sujit Kumar Rai, learned counsel for the respondent No. 1, Sri Pradeep Saxena, learned counsel for the petitioner

states that the petitioner will pursue the alternative remedy available to him under the U. P. Cooperative Societies Act, 1965 and, therefore, the present writ petition may be dismissed as withdrawn.

6. In view of the statement made by Sri Pradeep Saxena, learned counsel for the petitioner, the present writ petition is dismissed as withdrawn without prejudice to the right of the petitioner to pursue the alternative remedy as may be available to the petitioner under law, if the petitioner is so advised.