

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.346 OF 2015
IN
WRIT PETITION NO. 7363 OF 2005**

Mangesh Co-operative Housing Society

..Applicant

Vs.

Ashok Jeur & Ors.

..Respondents

Ms Jui Nerurkar for the Applicant

Mr. S.S.Kanetkar for the Respondent No.1

Mrs. Vaishali Nimbalkar AGP for the Respondent Nos.2 & 3

CORAM : R. M. SAVANT, J.

DATE : 23rd MARCH, 2015

P.C.

1 The above Civil Application has been filed seeking stay of the Judgment and orders dated 12-9-2001 and 2-5-2011 passed by the Respondent No.2 as also the Judgment and orders dated 28-12-2004 and 23-12-2013 passed by the Respondent No.3. The said orders relate to the membership granted to the Respondent No.1 herein i.e. Ashok Jeur the above Petition has been admitted on 13-10-2008 and there are no interim reliefs operating in the above Petition. The cause for moving the above Civil Application for interim reliefs are the orders dated 2-5-2011 and 23-12-2013 passed under Section 79 of the Maharashtra Co-operative Societies Act. The said orders have been passed calling upon the Petitioner society to comply with the order granting membership to the Respondent No.1.

2 It is the contention of the Learned Counsel appearing for the original Petitioner Ms Nerurkar that powers under Section 79 could not have been invoked to implement the order of membership passed in favour of the Respondent No.1. Whereas it is the submission of Mr. Kanetkar the Learned Counsel appearing for the Respondent No.1 that against the said orders i.e. orders dated 2-5-2011 and 23-12-2013 a remedy by way of Revision before the State Government is available.

3 In my view, it is not necessary for this Court to enter into an adjudication as regards the legality and validity of the said two orders dated 2-5-2011 and 23-12-2013, when a remedy by way of Revision under Section 154 is available before the State Government. The Petitioner is accordingly relegated to the said remedy. Needless to state that if any such Revision is filed by the Petitioner, the same would be considered by the Revisionary Authority on its own merits and in accordance with law, uninfluenced by the fact that there is no interim order operating in the above Petition. With the aforesaid observations the Civil Application is disposed of.

[R.M.SAVANT, J]