

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.643 OF 2015
IN
WRIT PETITION NO.9972 OF 2013**

Rashid Homi Irani

..Applicant

Vs.

The State of Maharashtra & Ors.

..Respondents

**Mr. Pushpak Navandar i/b SNP Legal for the Applicant
Mr. S. D. Rayrikar AGP for the Respondent Nos.1 and 2**

CORAM : R. M. SAVANT, J.

DATE : 1st July, 2015

P.C.

1 The above Civil Application has been filed seeking withdrawal of the amount of Rs.4,80,000/- which was deposited in this Court in terms of the order dated 23-10-2013 passed in Writ Petition No.9972 of 2013. The refund of the said amount is sought in the light of clause (3) of the order dated 29-4-2014 passed in the said Writ Petition, disposing of the said Petition. The said clause (3) reads thus:

“3.The amount of Rs.4,80,000/- deposited by the petitioner in this court as condition precedent for granting an ad-interim order, shall be invested in Nationalised Bank initially for a period of one year. In case, the petitioner succeeds in proceedings under Section 101, the said amount along with interest accrued thereof as well as the amount of Rs.5,00,000/- deposited with respondent No.3 under Section 154(2A) of the MCS Act shall be refunded to the Petitioner”

2 The Learned Counsel for the Applicant/Petitioner states that the Deputy Registrar Co-operative Societies has refused to issue a recovery certificate under Section 101 of the Maharashtra Co-operative Societies Act in respect of the dues claimed by the Respondent No.3 society from the Petitioner. The Learned Counsel further states that the said order passed by the Deputy Registrar rejecting the application under Section 101 has been challenged by the Respondent No.3 society by filing a Revision Application before the Divisional Joint Registrar. The learned Counsel on instructions therefore states that in view of the filing of the said Revision Application, the Petitioner would withdraw the instant Civil Application to file a fresh application at the appropriate stage. The learned Counsel prays that the revisionary proceedings be directed to be disposed of expeditiously.

3 In view of the said statement made by the Learned Counsel for the Applicant/Petitioner, the above Civil Application is disposed of as not press at this stage with liberty to file afresh at the appropriate stage. The revisionary proceedings if already filed before the Divisional Joint Registrar are directed to be disposed of expeditiously.

[R.M.SAVANT, J]