

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2282 OF 2015

Manohar D. Hande

.. Petitioner

vs.

Vasantraj Cooperative Credit
Society Central Facility Building
Phal Market and ors.

.. Respondents

Mr. Mohan B. Gawade for the Petitioner.

Mr. C.P. Deogirikar for Respondent Nos.1 and 4.

Mr. S.D. Rayrikar, AGP for Respondent Nos.2 and 3.

CORAM : M. S. SONAK, J.

DATE : 16 NOVEMBER 2015.

P.C. :-

1] Only for the purposes of this writ petition, learned counsel for the Petitioner seeks leave to delete Respondent Nos.4,5 and 6. Leave is granted. Necessary amendment to be carried out forthwith.

2] This petition is disposed of with the following agreed order:

a] The Divisional Joint Registrar's (Respondent No.2) order dated 27 January 2014 declining to condone the delay in instituting Revision Application is set aside. The delay is hereby condoned;

b] The Petitioner undertakes to deposit with Respondent No.1- Society an amount of Rs.50,000/- within a period of four weeks from today. This shall constitute compliance with the provisions contained in Section 154 (2A) of the Maharashtra Cooperative Societies Act, 1960 (said Act). The Respondent No.1-Society, shall issue a receipt, once the amount of Rs.50,000/- is deposited by the Petitioner;

c] The Divisional Joint Registrar shall entertain and decide the Petitioner's Revision Application, on its own merits and in accordance with law as expeditiously as possible and in any case within a period of four months from the date of production of authenticated copy of this order;

d] In case amount of Rs.50,000/- is deposited within a period of four weeks from today, further execution in terms of Recovery Certificate shall stand stayed until the disposal of the Revision Application. However, if there is default in the matter of deposit of amount of Rs.50,000/- within four weeks from today, this petition shall be deemed to have

dismissed and Respondent No.1 shall be at liberty to proceed with the execution in terms of Recovery Certificate;

e] For the aforesaid purpose, the parties to appear before the Divisional Joint Registrar on 18 December 2015, on which date, the Petitioner to produce the authenticated copy of this order as well as the receipt confirming the deposit of amount of Rs.50,000/- with Respondent No.1-Society;

f] It is made clear that all contentions of all parties are kept open for decision by the Divisional Joint Registrar

g] All concerned to act upon an authenticated copy of this order.

(M. S. SONAK, J.)

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