

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.2239 OF 2015

Vipul Bakul Patel and ors. : Petitioners
versus
The Divisional Joint Registrar (C.S.)
Mumbai and ors. : Respondents.

Mr. K T Bubu i/by Mr. Prashant V Malik for the Petitioners.
Mr. S D Rayrikar, AGP, for the Respondent Nos.1 to 3 and 9.

CORAM : R. M. SAVANT, J.
DATE : 30th April 2015

P.C.

1 The writ jurisdiction of this Court is invoked against the order dated 27/1/2015 passed by the Divisional Joint Registrar, Co-operative Societies, Mumbai Division, Mumbai by which order the application for stay filed by the Petitioners in the Revision Application No.457 of 2014 came to be rejected

2 The rejection of the stay application is on the grounds mentioned in the said order and especially in the penultimate paragraph of the said order wherein the Revisionary Authority has observed that though the enquiry under Section 88 of the Maharashtra Co-operative Society Act, 1960 is initiated to ascertain, whether the Applicants/Ex-committee members should become liable or accountable for the monies lost by the Respondent society and are guilty of misfeasance or breach of trust the same is yet to be determined.

3 In my view, it is not necessary to interdict with the impugned order in the writ jurisdiction of this Court at this stage as the liability of the Petitioners is yet to be fixed in the enquiry initiated under Section 88 of the said Act. The proper course of action would therefore be to direct the Divisional Joint Registrar to hear and decide the said Revision Application within a particular time frame. The Divisional Joint Registrar is accordingly directed to hear and decide the Revision Application No.457 of 2014 latest by 31/7/2015. The learned counsel for the Petitioners states that the said Revision Application is kept before the Divisional Joint Registrar on 8/5/2015. If that be so, the Divisional Joint Registrar may fix the schedule as per his convenience, however, dispose of the proceedings in terms of the directions contained in the instant order. With the aforesaid directions, the above Writ Petition is disposed of.

[R.M.SAVANT, J]