

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

WRIT PETITION NO.2659 OF 2015

Sukumar Bandu Bhosale and anr. : Petitioners.

Versus

Ex-Committee Members

Dinesh Salian, Chairman and ors. : Respondents.

Mr. Uday P Warunjikar i/by Mr. Abhijit Kandarkar for the Petitioners.

**Mr. A S Khandeparkar i/by Mr. Sandeep V Bane for the Respondent
Nos.1(a) to 1(c).**

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

CORAM : R. M. SAVANT, J.

DATE : 19th March 2015

P.C.

1 The cause for moving the above Writ Petition is the deferment of the hearing of the Revision Application filed by the Petitioner against the order dated 15/1/2015 passed by the learned Deputy Registrar, Co-operative Society, Mumbai by which order the Application filed by the Petitioners being No.241 of 2015 came to be rejected.

2 The grievance of the Petitioners in the said application is that in view of the fact that the Respondent Nos.1(a) to 1(c) herein did not hold the meetings of the General Body, that they stood disqualified from being members and are therefore not entitled to participate in the elections which are to be held to the society known as Khernagar Shantisadan Co-operating Housing Society Ltd, Bandra (E). The said Application being 241 of 2015 has been

rejected by the learned Deputy Registrar on the ground that an action under Section 78 of the Maharashtra Co-operative Societies Act has already been taken against the society and the Managing Committee has already been superseded and therefore there is no warrant to take action for disqualifying the members.

3 Be that as it may, the Petitioner has already filed Revision Application before the Divisional Joint Registrar and the record does not disclose that any application was filed for interim relief in the said Revision Application. The elections are to be held on 21st March 2015 i.e. on the coming Saturday. The learned counsel for the Petitioner states that an application for interim reliefs would be moved tomorrow and the same be directed to be decided before 21st March 2015. It is not possible to accept the said contention for more than one reason. Firstly because the election in its entirety i.e. voting etc. is to take place on 21st March 2015 and secondly since no application for interim reliefs was moved when the Revision Application was moved, it is not possible to now permit the Petitioner to move an application for interim reliefs in the pending Revision Application merely on the ground that the elections are due on 21st March 2015. Hence no case for exercise of writ jurisdiction is therefore made out. The above Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]